

Appendix H

Public and Agency Coordination

Appendix H1

Agency Coordination



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
(727) 824-5317; Fax 824-5300
<http://sero.nmfs.noaa.gov>

May 11, 2010 F/SER46:MT

Colonel Byron G. Jorns
District Engineer, Mobile District
Regulatory Division
Department of the Army, Corps of Engineers
P.O. Box 2288
Mobile, Alabama 36628-0001

Dear Colonel Jorns:

NOAA's National Marine Fisheries Service, Southeast Region, Habitat Conservation Division (NMFS) has reviewed public notice number SAM-2009-01768-DMY dated April 16, 2010. The applicant, Mississippi State Port Authority (MSPA), has requested a Department of the Army permit to dredge approximately 332 acres for new channel and harbor expansion and fill 700 acres of open water benthic habitat to construct new port facilities in Mississippi Sound, Harrison County, Mississippi. This proposal includes placing 38,400,000 cubic yards of fill material, removing 17,260,000 cubic yard of dredge material, and completing the fill of 84 acres authorized in a permit issued in 1998. The U.S. Army Corps of Engineers, Mobile District (Corps) has initiated consultation for potential adverse impacts to essential fish habitat (EFH). As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, NMFS provides the following comments and recommendations pursuant to authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Project Area

Prior to 1991, the port facility occupied 286 acres in Mississippi Sound. In 1991, a 29-acre fill expansion was permitted (MS88-00954-L) for the purpose of accommodating existing and anticipated future container throughput for the next 50 years. In this configuration, the port covered 315 acres and supported break-bulk, bulk, container, commercial fishing, and gaming facilities (MSPA Gulfport Strategic Plan 1994). The permit issued in 1998 (MS96-02828-U) authorized filling of an additional 84 acres and dredging of 15 acres of Mississippi Sound for container and break-bulk handling and storage, and allowed relocation of the small craft harbor channel. The purpose of the 84-acre expansion was to provide rail interface for intermodal customers. This facility has not been constructed but remains a critical component of the 84-acre expansion. Sixty acres of the 84-acre fill are currently under construction and expected to be completed by November 2010. The remaining 24 acres will be filled shortly thereafter. When this area is filled, the MSPA property will occupy a total area of 399 acres of Mississippi Sound, a 26.6 percent increase over the 2005 footprint. The proposal now under consideration will



extend the port facility out into Mississippi Sound an additional 1.5 miles.

Impacts to Essential Fish Habitat

NMFS is concerned that filling an additional 616 acres of estuarine benthic habitat and water column and dredging an additional 332 acres of shallow estuarine bottoms to depths ranging from 32 to 36 feet, with perhaps a 4-foot over dredge allowance, would adversely impact EFH and other NMFS trust resources. The shallow unvegetated areas of Mississippi Sound are productive growth sites for macro- and microphytic algae, benthic diatoms, benthic dinoflagellates, polychaete worms, crustaceans, and mollusks (Livingston 1990). These benthic flora and fauna are important sources of food for a variety of fish and invertebrates that are of commercial, recreational, and ecological importance (Armstrong 1987). These habitats also provide essential forage, cover, spawning, and nursery areas for numerous commercially and recreationally important species (Christmas 1973). In addition to the direct impacts on fishery resources and habitats, on-site monitoring (MSPA Water Quality Monitoring Program 2001) has found that water quality within the small craft harbor and in the berthing area at West Pier is significantly degraded from May through September. Poor water quality conditions further impair the ecological value of project area habitats and their support of benthic and nektonic resources of Mississippi Sound.

Mississippi Sound is designated as EFH for the following federally managed species: red drum; Spanish mackerel; white, brown, and pink shrimp; Gulf stone crab; and several shark species. Categories of EFH that would be impacted by the project include sand and mud substrate and estuarine water column. Preliminary examination of the seasonal patterns of abundance suggests that at least one of the managed species is present in Mississippi Sound at all times of the year. Detailed information on federally managed fisheries and their EFH is provided in the 2005 Generic Amendment to the Fishery Management Plans for the Gulf of Mexico, prepared by the Gulf of Mexico Fishery Management Council (GMFMC). In addition to EFH designated for federally managed species, Mississippi Sound provides nursery and foraging habitats that support both forage and economically important marine fishery species such as black drum, spotted seatrout, southern flounder, gulf menhaden, bluefish, croaker, mullet, and blue crab. These estuarine-dependent organisms serve as prey for other fisheries managed under the Magnuson-Stevens Act by the GMFMC (e.g., mackerels, snappers, and groupers) and highly migratory species managed by NMFS (e.g., billfishes and sharks).

Compensatory mitigation

Within the sequential mitigation process, compensatory mitigation is proposed only after water-dependent projects have undergone an alternatives analysis that results in adequate avoidance and minimization of impacts. Evidence of such an analysis has not been provided to NMFS. As proposed, this project would likely require compensatory mitigation based on the resources present at this location. The public notice describes a conceptual approach for mitigation that would include coastal habitat restoration and enhancement, creation of nearshore reefs, deployment of derelict vessels within existing fish havens, enhancement of oyster reefs, management of coastal preserves, and acquisition of new properties for inclusion in the coastal preserve program.

This conceptual approach may constitute suitable mitigation options for such a project, but a

final determination would be based on the location and amount of acreage restored, protected, acquired or enhanced; likelihood of success, and the adequacy of contingency plans and adaptive management should mitigation measures fail to meet criteria for functionality.

Expanded EFH Consultation

The EFH provisions of the Magnuson-Stevens Act represent an integration of fishery management and habitat conservation by recognizing the dependence of healthy, productive fisheries on the availability of viable and diverse estuarine and marine ecosystems, with the goal of supporting the sustainable harvest of marine fisheries. Therefore, due to the size of the project and the nature and extent of probable direct and indirect impacts to EFH, NMFS requests that an expanded EFH consultation be conducted pursuant to 50 CFR Section 600.920(i).

As part of an expanded EFH consultation, NMFS recommends the Corps prepare an EFH assessment as described at 50 CFR 600.920(e). The EFH assessment must contain a description of the action; an analysis of the potential adverse effects of the action on EFH and the managed species; the federal agency's conclusions regarding the effects of the action on EFH, and proposed mitigation, if applicable. NMFS also recommends for this project the EFH assessment include additional information as appropriate, such as the results of an on-site inspection to evaluate the habitat and the site-specific effects of the project; the views of recognized experts on the habitat or species that may be affected; a review of pertinent literature and related information; an analysis of alternatives to the action, including alternatives that could avoid or minimize adverse effects on EFH.

Aquatic Resources of National Importance

Several of the marine resources identified herein that could be adversely affected by the project are considered to be of national economic importance pursuant to Section 906(e)(1) of the Water Resources Development Act of 1986 and, therefore, are designated as aquatic resources of national importance (ARNI). In accordance with Part IV, Section 3(a) of the Memorandum of Agreement between the Departments of Commerce and Army regarding Section 404(q) of the Clean Water Act, NMFS finds that placing an additional 616 acres of fill material and dredging of approximately 332 acres in Mississippi Sound may result in substantial and unacceptable impacts to ARNI.

Due to the scope of this project, an environmental impact statement (EIS) should be produced to analyze the potential impacts of the project as proposed and to present a set of feasible alternatives. An EIS should evaluate various construction alternatives beyond the 399-acre footprint as well as the no action alternative. Studies should be performed to characterize existing benthic communities within the areas to be dredged and filled, the adjacent areas and those within the existing channel and basin. Such studies would facilitate a comparative assessment of impacts and would assist in determining mitigation needs and options, if appropriate. In addition to habitat loss from the proposed expansion, water quality impacts must be thoroughly assessed. The 1998 permit incorporated mitigation measures to improve water quality in and around the port, but it is uncertain if these measures have been or are now being performed. An analysis of the results of the 1998 mitigation measures should be included in the EIS. A detailed plan addressing mitigation for unavoidable impacts should be provided.

In consideration of the significant direct impacts to estuarine habitats of Mississippi Sound, the probable indirect and cumulative impacts, the lack of information and analysis available at this time, and the need to ensure the conservation of EFH and dependent fishery resources, NMFS provides the following:

EFH Conservation Recommendations

1. The permit for filling 616 acres and excavating 332 acres of estuarine habitat in Mississippi Sound, as currently proposed, shall be denied.
2. Further consideration of any port expansion should require a thorough analysis of less environmentally damaging practicable alternatives and suitable mitigation options accomplished through the preparation of an EIS.

Please be advised the Magnuson-Stevens Act and the regulation to implement the EFH provisions (50 CFR Section 600.920) require the Corps to provide a written response to this letter. That response must be provided within 30 days and at least 10 days prior to final agency action. A preliminary response is acceptable if final action cannot be completed within 30 days. The Corps' final response must include a description of measures to be required to avoid, minimize, mitigate, or offset the adverse impacts of the activity. If the Corps' response is inconsistent with these EFH conservation recommendations, the Corps must provide an explanation of the reasons for not implementing those recommendations.

In addition, the project area lies within the known distribution and critical habitat of a federally listed species under the purview of NMFS. In accordance with the Endangered Species Act of 1973, as amended, the Corps' must review this proposal and determine whether the actions proposed may affect endangered or threatened species. Actions that may affect listed species should be reported to our Protected Resources Division at the letterhead address. If the Corps determines that the proposed activities may adversely affect any listed species, or destroy or adversely modify designated critical habitat, formal consultation must be initiated.

NMFS looks forward to working with the Corps in preparing the EIS and addressing these concerns. Please contact Mark Thompson of our Panama City Office at 904/234-5061 with questions regarding this EFH consultation.

Sincerely,



Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

cc:

F/SER4

F/SER3

F/SER - Keys

cc: email

EPA Atlanta

FWS Jackson

MS DMR Biloxi

MS DEQ Jackson

GMFMC

GSMFC

NMFS - B Letter



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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

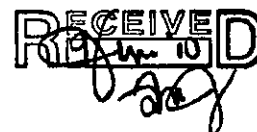
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
(727) 824-5317; Fax 824-5300
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JUN 03 2010

F/SER46:MT

Colonel Byron G. Jorns
District Engineer, Mobile District
Regulatory Division
Department of the Army, Corps of Engineers
P.O. Box 2288
Mobile, Alabama 36628-0001

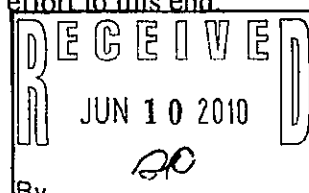


Dear Colonel Jorns:

This letter is in reference to the Department of the Army public notice number SAM-2009-01768-DMY dated April 16, 2010. The applicant, Mississippi State Port Authority (MSPA), has requested a Department of the Army permit to dredge approximately 332 acres for new channel and harbor expansion and fill 700 acres of open water benthic habitat to construct new port facilities in Mississippi Sound, Harrison County, Mississippi.

The NOAA's National Marine Fisheries Service (NMFS) has determined the direct impacts to over 1,000 acres of productive fishery habitat in Mississippi Sound represent significant and unacceptable adverse threats to essential fish habitat and other living marine resources of national economic importance. By letter dated May 11, 2010 (copy enclosed), NMFS recommended Department of the Army authorization not be granted for the project as proposed and an environmental impact statement be prepared for the project. This recommendation is based on the significant direct impacts to essential fish habitat, aquatic resources of national importance, and the supporting food webs of Mississippi Sound, as well as the potential adverse impacts to water quality in Mississippi Sound. NMFS also remains concerned by the lack of detailed information provided thus far to support a thorough project impact analysis and develop a mitigation plan for unavoidable impacts to NMFS trust resources.

Pursuant to Part IV.3(b) of the 1992 Clean Water Act 404(q) Memorandum of Agreement between the Department of Commerce and the Department of the Army, I have reviewed the findings of my staff and determined the proposed work would substantially and unacceptably impact aquatic resources of national importance as well as essential fish habitat and associated living marine resources. I request the Corps of Engineers fully consider the views and recommendations of NMFS in making a final decision concerning authorization of the proposed work. I also encourage continued efforts to resolve this matter at the field level and have requested my staff to continue cooperating in any related effort to this end.



Thank you for your consideration of NMFS' recommendations. Should you have any questions, please contact Mr. Mark Thompson at (850) 234-5061.

Sincerely,

A handwritten signature in black ink, appearing to read 'R E Crabtree', written over the printed name.

Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosure

cc: F/SER4
F/SER46
GMFMC

LITERATURE CITED

- Armstrong, N.E. 1987. The ecology of open-bay bottoms of Texas: a community profile. U.S. Fish Wildl. Serv. Biol. Rep. 85(7.12): 104 p.
- Christmas, J.Y. 1973. Cooperative Gulf of Mexico Estuarine Inventory and Study, Mississippi. State of Mississippi, Gulf Coast Research Laboratory, Ocean Springs, MS. 434 p.
- Livingston, R.J. 1990. Inshore Marine Habitats In "Ecosystems of Florida" (R.L. Myers and J.J. Ewel, eds.) University Presses of Florida, Gainesville. pp. 549-573.
- Mississippi State Port Authority at Gulfport, Strategic Plan. August 26, 1994. Vickerman, Zachary, Miller.
- Mississippi State Port Authority Gulfport, Mississippi Annual Report Water Quality Monitoring Program. September 11, 2001. Brown & Mitchell, Inc. 11 p.



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority.

Mississippi Department of Environmental Quality
Attention: Florance Watson
Water Quality Branch Chief
P.O. Box 2261
Jackson, MS 39225

Dear Ms. Watson:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. The EIS will also help the U.S. Department of Housing and Urban Development (HUD) decide whether to provide a total of \$570 million in funding for the proposed project under the Port of Gulfport Restoration Program. As such, the Mississippi Development Authority (MDA), acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



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MOBILE DISTRICT, CORPS OF ENGINEERS
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MOBILE, AL 36628-0001

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March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Mississippi Department of Marine Resources
Attention: Ms. Jennifer Whittmann
Wetlands Bureau Deputy Director
1141 Bayview Avenue
Biloxi, Mississippi 39530

Dear Ms. Whittmann:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority (MDA), acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

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larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,

Craig J. Litteken
Chief, Regulatory Division

Enclosures

T/L MS/Coastal 11
CH/RD-C ms
CH/rd ms

FILE

Same Letter Sent To:

U.S. Environmental Protection Agency
Attention: Mr. Heinz Mueller
Chief of NEPA Program Office
61 Forsyth Street, SW
Atlanta Georgia 30303

Headquarters, Federal Highway Administration
Attention: Mr. Fred Skaer
Director, Office of Project Development and
Environmental Review
1200 New Jersey Avenue, SE
Washington, DC 20590

Mississippi Department of Environmental Quality
Attention: Ms. Florance Watson
Water Quality Branch Chief
Post Office Box 2261
Jackson, Mississippi 39225

Mississippi Department of Marine Resources
Attention: Ms. Jennifer Whittmann
Wetlands Bureau Deputy Director
1141 Bayview Avenue
Biloxi, Mississippi 39530

U.S. Department of agricultural-Forest Service
Attention: Mr. Joe Carbone
Ecosystem Management Coordination
1400 Independence Ave., SW
Mailstop: 1104
Washington, DC 20250-1104

U.S. Fish and Wildlife Service
Attention: Mr. Paul Necaise
Coastal Projects
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 32913



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority.

U.S. Environmental Protection Agency
Attention: Heinz Mueller
Chief of NEPA Program Office
61 Forsyth Street, SW
Atlanta GA 30303

Dear Mr. Mueller:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. The EIS will also help the U.S. Department of Housing and Urban Development (HUD) decide whether to provide a total of \$570 million in funding for the proposed project under the Port of Gulfport Restoration Program. As such, the Mississippi Development Authority (MDA), acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

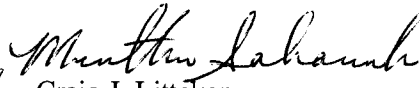
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The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



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MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

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March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority.

Headquarters, Federal Highway Administration
Attention: Fred Skaer
Director, Office of Project Development and
Environmental Review
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Skaer:

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The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. The EIS will also help the U.S. Department of Housing and Urban Development (HUD) decide whether to provide a total of \$570 million in funding for the proposed project under the Port of Gulfport Restoration Program. As such, the Mississippi Development Authority (MDA), acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

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Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



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March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority.

U.S. Fish and Wildlife Service
Attention: Paul Necaise
Coastal Projects
6578 Dogwood View Parkway, Suite A
Jackson, MS 32913

Dear Mr. Necaise:

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The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

National Marine Fisheries Service
Attention: Roy E. Crabtree, Ph.D.
Regional Administrator
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701

Dear Dr. Crabtree:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority (MDA), acting on behalf of HUD, has agreed to be a cooperating agency. Additionally, because of potential impacts to protected marine species and their habitat, this letter is intended to ascertain whether the National Marine Fisheries Service would be interested in participating in the EIS as a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

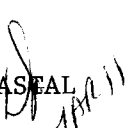
The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility will be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.


Please reply at your earliest convenience to indicate whether your agency, or any of its services, bureaus, or offices, has interest in participating as a cooperating agency on this EIS. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,

Craig J. Litteken
Chief, Regulatory Division

Enclosures

MS T/L COASTAL 

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FILE



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

National Marine Fisheries Service
Attention: Mr. David L. Keys, CEP
NEPA Coordinator
Southeast Regional Office
261 13th Avenue South
St. Petersburg, Florida 33701

Dear Mr. Keys:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority (MDA), acting on behalf of HUD, has agreed to be a cooperating agency. Additionally, because of potential impacts to protected marine species and their habitat, this letter is intended to ascertain whether the National Marine Fisheries Service would be interested in participating in the EIS as a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility will be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Please reply at your earliest convenience to indicate whether your agency, or any of its services, bureaus, or offices, has interest in participating as a cooperating agency on this EIS. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,

Craig J. Litteken
Chief, Regulatory Division

Enclosures

T/L MS COASTAL

CH/RD-C *ms*

CH/RD *ms*

FILE



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority.

USDA Forest Service
Attention: Joe Carbone
Assistant Director-NEPA
Ecosystem Management Coordination
1400 Independence Ave., SW
Mailstop: 1104
Washington, DC 20250-1104

Dear Mr. Carbone:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. The EIS will also help the U.S. Department of Housing and Urban Development (HUD) decide whether to provide a total of \$570 million in funding for the proposed project under the Port of Gulfport Restoration Program. As such, the Mississippi Development Authority (MDA), acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According

to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Governor Bill Anoatubby
The Chickasaw Nation
Post Office Box 1548
Ada, Oklahoma 74821-1548

Dear Governor Anoatubby:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,



for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chairman Earl J. Barbry, Sr.
Tunica-Biloxi Tribe of Louisiana
Post Office Box 1589
Marksville, Louisiana 71351

Dear Chairman Barbry:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.


The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chairman John Berrey
Post Office Box 765
Quapaw, Oklahoma 74363

Dear Chairman Berrey:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.


The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chairman Colley Billie, Miccosukee
Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, Florida 33144

Dear Chairman Billie:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.


The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Governor George Blanchard
Absentee-Shawnee Tribe of Oklahoma
2025 S. Gordon Cooper Drive
Shawnee, Oklahoma 74801

Dear Governor Blanchard:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,

Craig J. Litteken
Chief, Regulatory Division

Enclosures

MS TEAM LEADER

CH/RD_C

CH/RD

FILE



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Mr. Carlos Bullock
Tribal Council Chairman
Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, Texas 77351

Dear Mr. Bullock:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Mr. Kitcki Carroll, Executive Director
United Southern and Eastern Tribes
711 Stewarts Ferry Pike, Suite 100
Nashville, Tennessee 37214

Dear Mr. Carroll:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.



The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


 Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF
Coastal Branch
Regulatory Division

March 2, 2011

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chairman Mitchell Cypress
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024

Dear Chairman Cypress:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

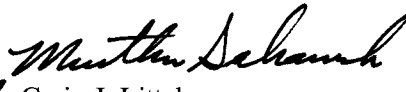
The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chairman Paul Darden
Chitimacha Tribe of Louisiana
Post Office Box 661
Charenton, Louisiana 70523

Dear Chairman Darden:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

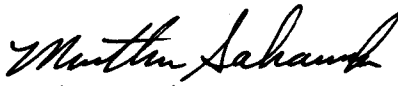
The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Miko Beasley Denson
Mississippi Band of Choctaw Indians
Post Office Box 6010, Choctaw Branch
Choctaw, Mississippi 39350

Dear Miko Denson:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Principal Chief A.D. Ellis
Muscogee (Creek) Nation
Highway 75 Loop 56
Okmulgee, Oklahoma 74447-0580

Dear Principal Chief Ellis:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.


The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Principal Chief Leonard Harjo
Post Office Box 1498
Wewoka, Oklahoma 74884

Dear Principal Chief Harjo:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Principal Chief Michell Hicks
Eastern Band of the Cherokee Nation
Qualla Boundary
Post Office Box 455
Cherokee, North Carolina 28719

Dear Principal Chief Hicks:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Tiger Hobia, Mekko
Kialegee Tribal Town of the
Creek Nation of Oklahoma
Post Office Box 332
Wetumka, Oklahoma 74883

Dear Mekko Hobia:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority.

Jena Band of Choctaw Indians
Attention: Christine Norris
Chief
P.O. Box 14
Jena, LA 71342

Dear Chief Norris:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. The EIS will also help the U.S. Department of Housing and Urban Development (HUD) decide whether to provide a total of \$570 million in funding for the proposed project under the Port of Gulfport Restoration Program. As such, the Mississippi Development Authority (MDA), acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF
Coastal Branch
Regulatory Division

March 2, 2011

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chief Gregory E. Pyle
Choctaw Nation of Oklahoma
Post Office Box 1210
Durant, Oklahoma 74702-1210

Dear Chief Pyle:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



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MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chief Donald Rodgers
The Catawba Indian Nation
Post Office Box 188
Catawba, South Carolina 29704

Dear Chief Rodgers:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

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larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



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MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chairman Buford Rolin
Poarch Band of Creek Indians
5811 Jack Springs Road
Atmore, Alabama 36502-5025

Dear Chairman Rolin:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

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The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



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MOBILE DISTRICT, CORPS OF ENGINEERS
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MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

George Scott, Mekko
Thlopthlocco Tribal Town
Post Office Box 188
Okemah, Oklahoma 74859

Dear Mekko Scott:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

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The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chairman Kevin Sickey
Coushatta Tribe of Louisiana
Post Office Box 99
Elton, Louisiana 70532

Dear Chairman Sickey:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority.

Cherokee Nation of Oklahoma
Attention: Chadwick Smith
Principal Chief
P.O. Box 948
Tahlequah, OK 74465

Dear Principal Chief Smith:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. The EIS will also help the U.S. Department of Housing and Urban Development (HUD) decide whether to provide a total of \$570 million in funding for the proposed project under the Port of Gulfport Restoration Program. As such, the Mississippi Development Authority (MDA), acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

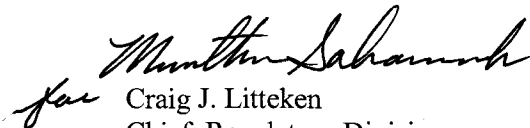
On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

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The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chairman Ron Sparkman
Shawnee Tribe
29 South 69-A Highway
Miami, Oklahoma 74354

Dear Chairman Sparkman:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

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Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Tribal Chairman Roger Trudell
425 Frazier Avenue North, Suite 2
Niobrara, Nebraska 68760

Dear Tribal Chairman Trudell:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

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Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chief Glenna J. Wallace
Eastern Shawnee Tribe of Oklahoma
Post Office Box 350
Seneca, Missouri 64865

Dear Chief Wallace:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

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The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chief George G. Wickliffe
United Keetoowah Band of
Cherokee Indians in Oklahoma
Post Office Box 746
Tahlequah, Oklahoma 74465-0746

Dear Chief Wickliffe:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

The federally authorized Gulfport Harbor Navigation Project and Port facility is located in the City of Gulfport, Harrison County, Mississippi (figure enclosed). The proposed project is approximately 80 miles west of Mobile, Alabama and 80 miles east of New Orleans, Louisiana. The Port of Gulfport encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway and approximately 7 miles south of Interstate 10. The MSPA operates the federally authorized Gulfport Harbor Navigation Project and Port facility.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

March 2, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority

Chief Tarpie Yargee
Alabama-Quassarte Tribal Town of
the Creek Nation of Oklahoma
Post Office Box 187
Wetumka, Oklahoma 74883

Dear Chief Yargee:

The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The USACE intends to publish a Notice of Intent in the Federal Register in March 2011.

The USACE intends to prepare the EIS to assist in the decision on a Section 404 Clean Water Act and Section 10 Rivers and Harbors Act permit application for MSPA's proposed project. As such, the Mississippi Development Authority, acting on behalf of HUD, has agreed to be a cooperating agency.

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On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant upgrades and hence their need for the proposed project.

The MSPA contends that this proposed project is needed to revitalize the existing port facilities, minimize future storm damage and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. In addition, the MSPA believes the proposed expansion is needed to accommodate

larger container ships and to ensure safe and unrestricted navigation into and out of Gulfport Harbor. According to the MSPA, it will also enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations.

The proposed project is part of the Port of Gulfport Expansion Project and involves filling up to 400 acres of open-water bottom in the Mississippi Sound, dredging additional areas, substantial wharf expansion/development, construction of a breakwater of approximately 4,000 linear feet, fish passage and other items. The new port facility would be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The EIS would address the construction described above, as well as the operation and maintenance of the proposed project.

Enclosed is information regarding the proposed project for your review. Should you wish to discuss the EIS or have any questions, please contact Mr. Damon M. Young, P.G. at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


for Craig J. Litteken
Chief, Regulatory Division

Enclosures



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701-5505
727.824.5312, FAX 824.5309
<http://sero.nmfs.noaa.gov>

APR 18 2011

F/SER:RGH

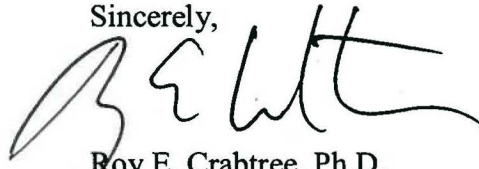
Mr. Damon M. Young, P.G.
Coastal Branch Regulatory Division
Mobile District, U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Alabama 36628-0001

Dear Mr. Young:

NOAA's National Marine Fisheries Service (NMFS) has received your staff's letter dated March 2, 2011, requesting NMFS be a cooperating agency in the development of an environmental impact statement for the proposed Port of Gulfport Expansion Project (SAM-2009-1768-DMY), Harrison County, Mississippi.

NMFS accepts the Corps of Engineers' invitation to become a cooperating agency on the project. However due to manpower and travel constraints, our participation may be limited to review and comment of draft documents, teleconferences and occasional travel to Mississippi. We appreciate your request for NMFS's assistance in the development of this environmental document. If we may be of further assistance, please contact either Mr. Ryan Hendren of our Protected Resources Division at (727) 551-5610 or Mr. Mark Thompson of our Habitat Conservation Division Panama City Facility at (850) 234-5061.

Sincerely,



Roy E. Crabtree, Ph.D.
Regional Administrator





DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

May 10, 2011

REPLY TO
ATTENTION OF

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY,
Mississippi State Port Authority

National Marine Fisheries Service
Attention: Mr. Mark Thompson
Habitat Conservation Division
3500 Delwood Beach Road
Panama City, Florida 32408

Dear Mr. Thompson:

The U.S. Army Corps of Engineers, Mobile District (USACE) intends to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.) and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The MSPA has filed an application for impacts to the existing Federal Channel and jurisdictional waters of the United States under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The project proposed by MSPA is intended to expand existing Gulfport facilities and provide for the long-term recovery of the State of Mississippi and the Gulf Coast Region.

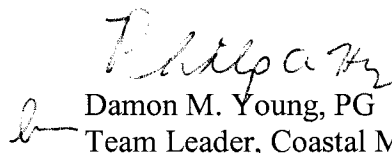
Potential impacts associated with the proposed project include filling up to 400 acres of open-water bottoms in Mississippi Sound, as well as construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, dredging and dredged material disposal and infrastructure and a breakwater of approximately 4,000 linear feet. The proposed expanded port facility will be elevated 25 feet above sea level to provide protection against future tropical storm surge events. All of this is associated with the Port of Gulfport Expansion Project. The enclosed figure depicts the study area.

The USACE is collecting data for the preparation of the EIS. The level of detail for our assessment will be as necessary to describe existing conditions, as well as provide analysis of future conditions due to project impacts. The intent of this letter is to request specific information on Essential Fish Habitat (EFH) and Aquatic Resources of National Importance (ARNI) occurring in the study area that should be addressed for the project and any conservation recommendations you may have.

To facilitate our being able to fully address the impacts to EFH and ARNIs in a manner that will meet your needs, please provide specific concerns and recommendations you have with the proposed project to EFH and ARNIs. Specifically, an expanded EFH Assessment document is being prepared and the USACE would like input from NMFS on the information they would like to see included in the expanded document. Please provide a list of Federally managed species and highly migratory species managed by NMFS that will need to be included in the EFH assessment. Additionally, please provide a list of the marine resources within the study area that NMFS believes could be adversely affected by the project and are considered to be of national economic importance.

Please reply at your earliest convenience to indicate whether your agency or any of its services, bureaus or offices, has any information to provide relevant to the proposed project. Should you wish to discuss the EIS or have any questions, please call me at (251) 694-3781 or e-mail at damon.m.young@usace.army.mil.

Sincerely,

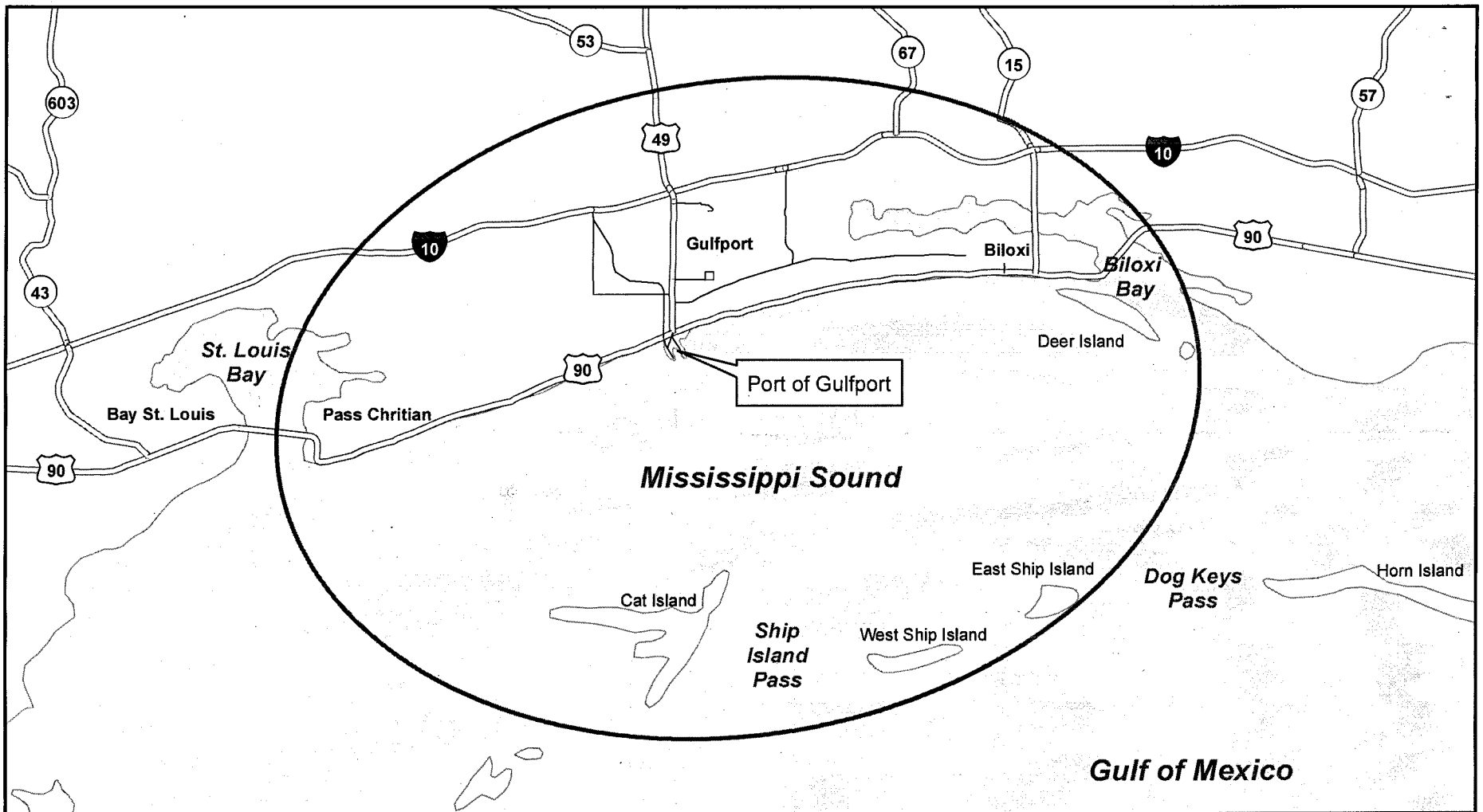

Damon M. Young, PG
Team Leader, Coastal Mississippi
Regulatory Division

Enclosure

Hegji/3222/nj

Young/

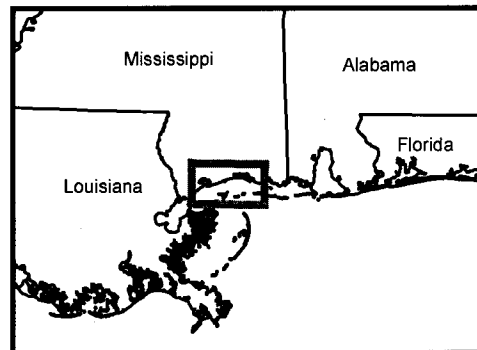
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 Study Area



0 2.5 5 10 Miles



Study Area Map

Mississippi State Port Authority

Date: 2/21/2011



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

May 11, 2011

REPLY TO
ATTENTION OF

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY,
Mississippi State Port Authority

National Marine
Fisheries Service
Attention: Mr. Ryan Hendren
Protected Resource Division
263 13th Avenue South
St. Petersburg, Florida 33701

Dear Mr. Hendren:

The U.S. Army Corps of Engineers, Mobile District (USACE), intends to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.) and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The MSPA has filed an application for impacts to the existing Federal Channel and jurisdictional waters of the United States under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The project proposed by MSPA is intended to expand the existing Gulfport facilities and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region.

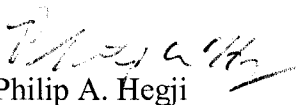
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USACE is collecting data for the preparation of the EIS. The level of detail for our assessment will be as necessary to describe existing conditions, as well as provide analysis of future conditions due to project impacts. The intent of this letter is to request specific information on threatened and endangered species occurring in the study area that should be addressed for the project and any conservation recommendations you may have.

In addition, we are requesting clarification of a letter from Mr. Miles Croom dated May 11, 2011, and an email from Dr. Stephania Bolden dated April 8, 2011, (copies enclosed) regarding Federally listed species, specifically the Gulf sturgeon. The email from Dr. Bolden is very specific in what your agency expects the USACE to address regarding impacts to the Gulf sturgeon; however the letter is less specific. Please clarify your expectations for evaluating impacts to the Gulf sturgeon.

Please reply at your earliest convenience to indicate whether your agency or any of its services, bureaus or offices, has any information to provide relevant to the proposed project. Should you wish to discuss the EIS or have any questions, please call Mr. Damon M. Young at (251) 694-3781 or by email at damon.m.young@usace.army.mil.

Sincerely,



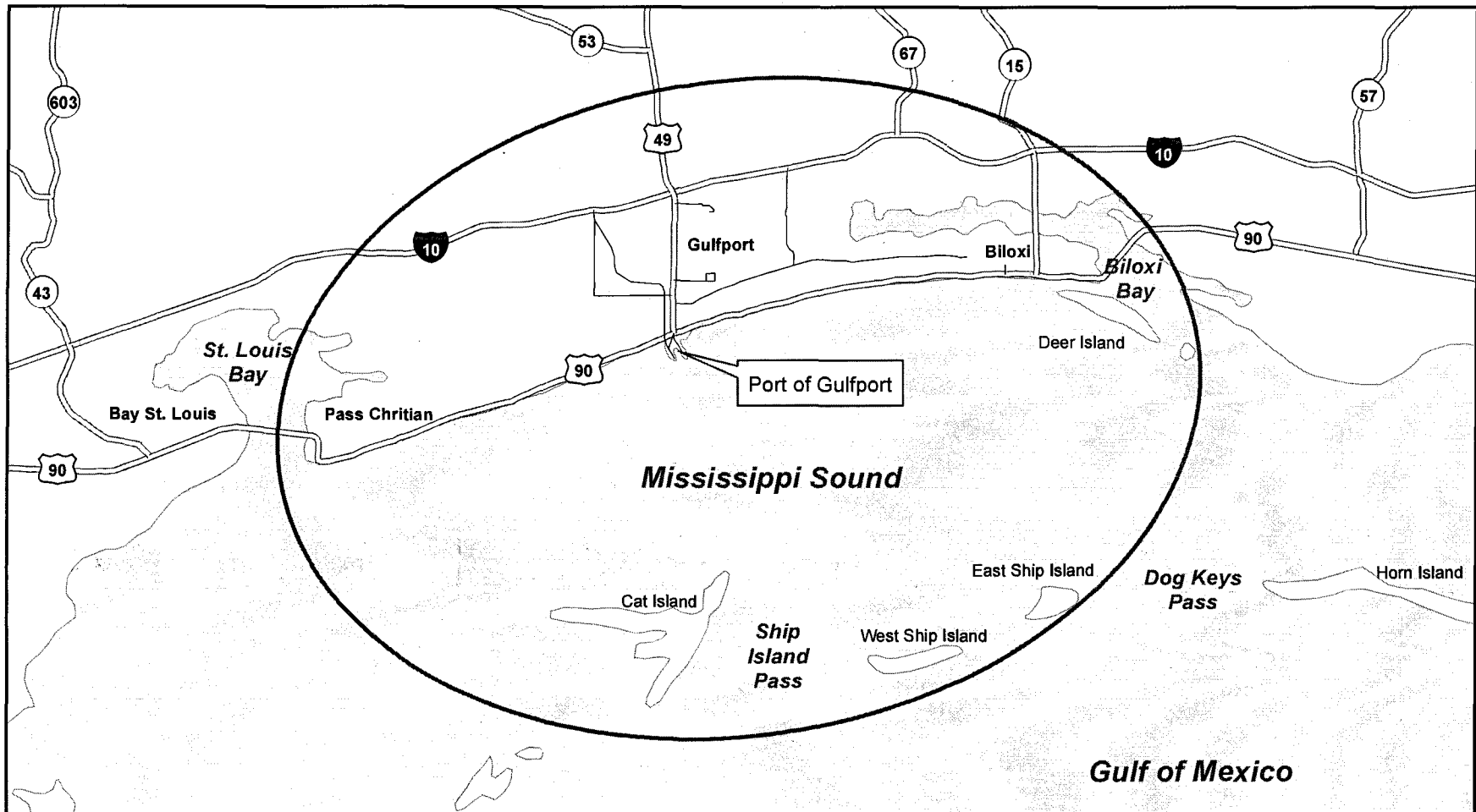
Philip A. Hegji
Acting Team Leader, Coastal Mississippi
Regulatory Division

Enclosures

Hegji/3222/nj

Young/

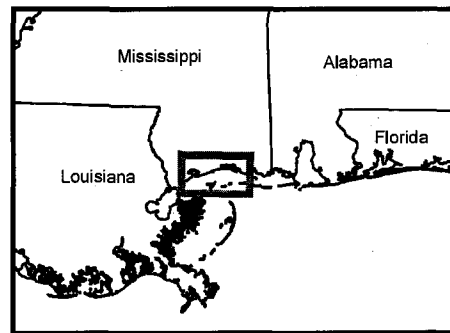
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 Study Area



0 2.5 5 10
Miles



Study Area Map
Mississippi State Port Authority

Date: 2/21/2011

-----Original Message-----

From: Stephania Bolden [mailto:Stephania.Bolden@noaa.gov]
Sent: Thursday, April 08, 2010 2:55 PM
To: Young, Damon M SAM
Cc: Robert Hoffman; David Bernhart; Roy Crabtree; Buck Sutter
Subject: Port of Gulfport Expansion - NMFS comments from 6 April 2010 meeting

Hi Skip,

Per request, here is a summary of comments I made on behalf of NMFS Protected Resources at the 6 April 2010 meeting to discuss Port of Gulfport.

1. Administrative:

- a. Because footprint of port will increase 250%, the project should be called an expansion instead of restoration.
- b. Direct all requests regarding listed species to David Bernhart, Assistant Regional Administrator for Protected Resources.
- c. Mark Thompson of NMFS Habitat Conservation is contact for EFH and mitigation.
- d. Suggest utilizing COE in-house expertise at ERDC to assist: Gary Rae, Todd Slack, Doug Clarke, Phil Kirk.
- e. NMFS and USFWS share management of Gulf sturgeon.

2. Construction of the breakwater to the east:

- a. structure has great potential to impede fish passage
- b. what is height and width (bottom and top) of breakwater structure? materials?
- c. Potential for fish passage over structure via ramp?
- d. Potential for staggered wave baffles to allow water circulation and fish movement through breakwater?

3. Construction of the nearshore cut/channel:

- a. structure has potential to trap fish
- b. what is proposed depth, width, purpose, and materials.
- c. Ensure flow attracts fish into and out of to cut instead of small craft harbor.
- d. Model circulation to ensure water temperature and dissolved oxygen are appropriate (DO 4.5mg/L at benthos during summer months).

4. Listed species in project area:

- a. reference SERO PRD website (<http://sero.nmfs.noaa.gov/>) to acquire list of species that are in project area.
- b. because vessel traffic will increase, include geographic areas that vessels traverse (Gulf of Mexico, south Atlantic Ocean) when considering species that may occur in project area.

5. Gulf sturgeon - consideration of the listed species and their designated critical habitat

- a. Potential effects to the the threatened Gulf sturgeon:
 - 1. Gulf sturgeon from both the Pearl and Pascagoula River are known to utilize coastal Mississippi area out to and including the barrier

islands for migration and foraging. Migration included both spawning movement when the fish move from marine to freshwater areas

as well as longshore coastal movements to forage and move to foraging habitat.

2. No directed study of Gulf sturgeon has been conducted within the project footprint.

3. Gulf sturgeon are known to utilize the coastal nearshore waters

4. The recent Gulf sturgeon 5-year review (attached) identified both the Pearl and Pascagoula River populations of Gulf sturgeon as being of unknown number and viability due to likely impacts from Hurricane Katrina and the lack of subsequent survey.

5. Known threats to the Gulf sturgeon include channel improvements and maintenance activities, water quality degradation, contaminant, red tide, and climate change.

b. Proposed Project is located within designated Gulf sturgeon critical habitat (Unit 8); unit 8 provides juvenile, sub-adult and adult feeding, resting and passage habitat for Gulf sturgeon from the Pearl and Pascagoula Rivers (68 FR 13395).

1. The Primary Constituent Elements (PCEs) with Unit 8 are: abundant food items, water quality, sediment quality, and safe and unobstructed migratory pathways (68 FR 13389).

2. The Gulfport channel was not excluded from critical habitat (68 FR 13401).

3. Gulf sturgeon critical habitat rule is attached.

6. Reference 50 CFR 402.14 for details about formal consultation. In order to determine the manner in which the action may affect the listed species (Gulf sturgeon) and its designated critical habitat, we advise the following studies be conducted. We discussed details of these

studies in a break-out meeting following the general meeting on Tuesday.

a. Identify use of project area and nearby habitat by Gulf sturgeon- capture and tag fish from both the Pearl and Pascagoula River, place receivers along the shoreline between rivers and port and around port.

b. Conduct substrate sampling in project area and nearby habitat to characterize substrate and prey availability.

c. Conduct core sampling to determine potential presence of contaminants within areas to be dredged.

d. Perform analysis to understand circulation patterns and sediment transport within the project area post-construction.

e. Any package submitted to NMFS for a section 7 ESA consultation request needs to address impacts to both the species and their designated critical habitat. When considering impact to designated critical habitat, assess potential affects to each Primary

Constituent Element (listed above in number 5) and discuss how the project may or may not destroy or modify the ecological function of the habitat.

You noted draft meeting minutes will be forthcoming for review. I look forward to receiving them. Please let me know if I can further clarify any points listed above.

Stephania

Confidentiality Note: The Mississippi State Port Authority (MSPA) is committed to ensuring complete confidentiality of information for our customers. To this end, the information contained in this e-mail and/or document(s) attached is for the exclusive use by the individual named above and/or their organization and may contain confidential, privileged and non-disclosable information. If you are not the intended recipient, please refrain from reading, photocopying, distributing or otherwise using this e-mail or its contents in any way. If you have received this transmission in error, please notify me immediately.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
(727) 824-5317; Fax 824-5300
<http://sero.nmfs.noaa.gov>

May 11, 2010 F/SER46:MT

Colonel Byron G. Jorns
District Engineer, Mobile District
Regulatory Division
Department of the Army, Corps of Engineers
P.O. Box 2288
Mobile, Alabama 36628-0001

Dear Colonel Jorns:

NOAA's National Marine Fisheries Service, Southeast Region, Habitat Conservation Division (NMFS) has reviewed public notice number SAM-2009-01768-DMY dated April 16, 2010. The applicant, Mississippi State Port Authority (MSPA), has requested a Department of the Army permit to dredge approximately 332 acres for new channel and harbor expansion and fill 700 acres of open water benthic habitat to construct new port facilities in Mississippi Sound, Harrison County, Mississippi. This proposal includes placing 38,400,000 cubic yards of fill material, removing 17,260,000 cubic yard of dredge material, and completing the fill of 84 acres authorized in a permit issued in 1998. The U.S. Army Corps of Engineers, Mobile District (Corps) has initiated consultation for potential adverse impacts to essential fish habitat (EFH). As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, NMFS provides the following comments and recommendations pursuant to authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Project Area

Prior to 1991, the port facility occupied 286 acres in Mississippi Sound. In 1991, a 29-acre fill expansion was permitted (MS88-00954-L) for the purpose of accommodating existing and anticipated future container throughput for the next 50 years. In this configuration, the port covered 315 acres and supported break-bulk, bulk, container, commercial fishing, and gaming facilities (MSPA Gulfport Strategic Plan 1994). The permit issued in 1998 (MS96-02828-U) authorized filling of an additional 84 acres and dredging of 15 acres of Mississippi Sound for container and break-bulk handling and storage, and allowed relocation of the small craft harbor channel. The purpose of the 84-acre expansion was to provide rail interface for intermodal customers. This facility has not been constructed but remains a critical component of the 84-acre expansion. Sixty acres of the 84-acre fill are currently under construction and expected to be completed by November 2010. The remaining 24 acres will be filled shortly thereafter. When this area is filled, the MSPA property will occupy a total area of 399 acres of Mississippi Sound, a 26.6 percent increase over the 2005 footprint. The proposal now under consideration will



extend the port facility out into Mississippi Sound an additional 1.5 miles.

Impacts to Essential Fish Habitat

NMFS is concerned that filling an additional 616 acres of estuarine benthic habitat and water column and dredging an additional 332 acres of shallow estuarine bottoms to depths ranging from 32 to 36 feet, with perhaps a 4-foot over dredge allowance, would adversely impact EFH and other NMFS trust resources. The shallow unvegetated areas of Mississippi Sound are productive growth sites for macro- and microphytic algae, benthic diatoms, benthic dinoflagellates, polychaete worms, crustaceans, and mollusks (Livingston 1990). These benthic flora and fauna are important sources of food for a variety of fish and invertebrates that are of commercial, recreational, and ecological importance (Armstrong 1987). These habitats also provide essential forage, cover, spawning, and nursery areas for numerous commercially and recreationally important species (Christmas 1973). In addition to the direct impacts on fishery resources and habitats, on-site monitoring (MSPA Water Quality Monitoring Program 2001) has found that water quality within the small craft harbor and in the berthing area at West Pier is significantly degraded from May through September. Poor water quality conditions further impair the ecological value of project area habitats and their support of benthic and nektonic resources of Mississippi Sound.

Mississippi Sound is designated as EFH for the following federally managed species: red drum; Spanish mackerel; white, brown, and pink shrimp; Gulf stone crab; and several shark species. Categories of EFH that would be impacted by the project include sand and mud substrate and estuarine water column. Preliminary examination of the seasonal patterns of abundance suggests that at least one of the managed species is present in Mississippi Sound at all times of the year. Detailed information on federally managed fisheries and their EFH is provided in the 2005 Generic Amendment to the Fishery Management Plans for the Gulf of Mexico, prepared by the Gulf of Mexico Fishery Management Council (GMFMC). In addition to EFH designated for federally managed species, Mississippi Sound provides nursery and foraging habitats that support both forage and economically important marine fishery species such as black drum, spotted seatrout, southern flounder, gulf menhaden, bluefish, croaker, mullet, and blue crab. These estuarine-dependent organisms serve as prey for other fisheries managed under the Magnuson-Stevens Act by the GMFMC (e.g., mackerels, snappers, and groupers) and highly migratory species managed by NMFS (e.g., billfishes and sharks).

Compensatory mitigation

Within the sequential mitigation process, compensatory mitigation is proposed only after water-dependent projects have undergone an alternatives analysis that results in adequate avoidance and minimization of impacts. Evidence of such an analysis has not been provided to NMFS. As proposed, this project would likely require compensatory mitigation based on the resources present at this location. The public notice describes a conceptual approach for mitigation that would include coastal habitat restoration and enhancement, creation of nearshore reefs, deployment of derelict vessels within existing fish havens, enhancement of oyster reefs, management of coastal preserves, and acquisition of new properties for inclusion in the coastal preserve program.

This conceptual approach may constitute suitable mitigation options for such a project, but a

final determination would be based on the location and amount of acreage restored, protected, acquired or enhanced; likelihood of success, and the adequacy of contingency plans and adaptive management should mitigation measures fail to meet criteria for functionality.

Expanded EFH Consultation

The EFH provisions of the Magnuson-Stevens Act represent an integration of fishery management and habitat conservation by recognizing the dependence of healthy, productive fisheries on the availability of viable and diverse estuarine and marine ecosystems, with the goal of supporting the sustainable harvest of marine fisheries. Therefore, due to the size of the project and the nature and extent of probable direct and indirect impacts to EFH, NMFS requests that an expanded EFH consultation be conducted pursuant to 50 CFR Section 600.920(i).

As part of an expanded EFH consultation, NMFS recommends the Corps prepare an EFH assessment as described at 50 CFR 600.920(e). The EFH assessment must contain a description of the action; an analysis of the potential adverse effects of the action on EFH and the managed species; the federal agency's conclusions regarding the effects of the action on EFH, and proposed mitigation, if applicable. NMFS also recommends for this project the EFH assessment include additional information as appropriate, such as the results of an on-site inspection to evaluate the habitat and the site-specific effects of the project; the views of recognized experts on the habitat or species that may be affected; a review of pertinent literature and related information; an analysis of alternatives to the action, including alternatives that could avoid or minimize adverse effects on EFH.

Aquatic Resources of National Importance

Several of the marine resources identified herein that could be adversely affected by the project are considered to be of national economic importance pursuant to Section 906(e)(1) of the Water Resources Development Act of 1986 and, therefore, are designated as aquatic resources of national importance (ARNI). In accordance with Part IV, Section 3(a) of the Memorandum of Agreement between the Departments of Commerce and Army regarding Section 404(q) of the Clean Water Act, NMFS finds that placing an additional 616 acres of fill material and dredging of approximately 332 acres in Mississippi Sound may result in substantial and unacceptable impacts to ARNI.

Due to the scope of this project, an environmental impact statement (EIS) should be produced to analyze the potential impacts of the project as proposed and to present a set of feasible alternatives. An EIS should evaluate various construction alternatives beyond the 399-acre footprint as well as the no action alternative. Studies should be performed to characterize existing benthic communities within the areas to be dredged and filled, the adjacent areas and those within the existing channel and basin. Such studies would facilitate a comparative assessment of impacts and would assist in determining mitigation needs and options, if appropriate. In addition to habitat loss from the proposed expansion, water quality impacts must be thoroughly assessed. The 1998 permit incorporated mitigation measures to improve water quality in and around the port, but it is uncertain if these measures have been or are now being performed. An analysis of the results of the 1998 mitigation measures should be included in the EIS. A detailed plan addressing mitigation for unavoidable impacts should be provided.

In consideration of the significant direct impacts to estuarine habitats of Mississippi Sound, the probable indirect and cumulative impacts, the lack of information and analysis available at this time, and the need to ensure the conservation of EFH and dependent fishery resources, NMFS provides the following:

EFH Conservation Recommendations

1. The permit for filling 616 acres and excavating 332 acres of estuarine habitat in Mississippi Sound, as currently proposed, shall be denied.
2. Further consideration of any port expansion should require a thorough analysis of less environmentally damaging practicable alternatives and suitable mitigation options accomplished through the preparation of an EIS.

Please be advised the Magnuson-Stevens Act and the regulation to implement the EFH provisions (50 CFR Section 600.920) require the Corps to provide a written response to this letter. That response must be provided within 30 days and at least 10 days prior to final agency action. A preliminary response is acceptable if final action cannot be completed within 30 days. The Corps' final response must include a description of measures to be required to avoid, minimize, mitigate, or offset the adverse impacts of the activity. If the Corps' response is inconsistent with these EFH conservation recommendations, the Corps must provide an explanation of the reasons for not implementing those recommendations.

In addition, the project area lies within the known distribution and critical habitat of a federally listed species under the purview of NMFS. In accordance with the Endangered Species Act of 1973, as amended, the Corps' must review this proposal and determine whether the actions proposed may affect endangered or threatened species. Actions that may affect listed species should be reported to our Protected Resources Division at the letterhead address. If the Corps determines that the proposed activities may adversely affect any listed species, or destroy or adversely modify designated critical habitat, formal consultation must be initiated.

NMFS looks forward to working with the Corps in preparing the EIS and addressing these concerns. Please contact Mark Thompson of our Panama City Office at 904/234-5061 with questions regarding this EFH consultation.

Sincerely,



Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

cc:

F/SER4

F/SER3

F/SER - Keys

cc: email

EPA Atlanta

FWS Jackson

MS DMR Biloxi

MS DEQ Jackson

GMFMC

GSMFC

LITERATURE CITED

Armstrong, N.E. 1987. The ecology of open-bay bottoms of Texas: a community profile. U.S. Fish Wildl. Serv. Biol. Rep. 85(7.12): 104 p.

Christmas, J.Y. 1973. Cooperative Gulf of Mexico Estuarine Inventory and Study, Mississippi. State of Mississippi, Gulf Coast Research Laboratory, Ocean Springs, MS. 434 p.

Livingston, R.J. 1990. Inshore Marine Habitats In "Ecosystems of Florida" (R.L. Myers and J.J. Ewel, eds.) University Presses of Florida, Gainesville. pp. 549-573.

Mississippi State Port Authority at Gulfport, Strategic Plan. August 26, 1994. Vickerman, Zachary, Miller.

Mississippi State Port Authority Gulfport, Mississippi Annual Report Water Quality Monitoring Program. September 11, 2001. Brown & Mitchell, Inc. 11 p.



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

May 20, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-1768-DMY, Mississippi State Port Authority.

Mr. Heinz Mueller
Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Dear Mr. Mueller:

As you know, the U.S. Army Corps of Engineers, Mobile District (USACE) announced its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.) and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The Notice of Intent was published in the Federal Register on March 11, 2011. The official scoping comment period was noticed from March 11, 2011 to April 11, 2011.

A public scoping meeting was held March 31, 2011, at the University of Southern Mississippi's Gulf Park Campus, Long Beach, Mississippi. Comments were accepted in written format at the scoping meeting or via mail/e-mail until April 11, 2011. Since the closing of the comment period, the Environmental Protection Agency (EPA) has been contacted by the USACE on several occasions to determine if a comment letter would be provided. As of this letter, no comments have been received from the EPA.

To ensure consistency with the views of EPA in regards to the project, we would like the opportunity to consider your comments during preparation of the EIS, particularly during the critical early stages. However, in order to proceed in a timely manner and for your comments to be considered in the preparation of the Draft EIS, we request that you submit written comments to us no later than May 31, 2011. Should you wish to discuss this with us, please contact Mr. Philip Hegji at 251.690.3222 or by electronic mail at philip.a.hegji@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig J. Litteken", is positioned below the "Sincerely," text.

Craig J. Litteken
Chief, Regulatory Division



STATE OF MISSISSIPPI

Haley Barbour
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

William W. Walker, Ph.D., Executive Director

May 23, 2011

Mississippi State Port Authority
Attn: Joseph O. Conn, P.E.
P.O. Box 40
Gulfport, MS 39502

RE: Permit DMR-M-9707019

Dear Mr. Conn:


Please find enclosed the original and one copy of the Exclusion issued to you by the Mississippi Commission on Marine Resources on May 17, 2011.

Please execute this Exclusion by signing both documents and returning the copy to the Department of Marine Resources.

The Department of Marine Resources has also coordinated a review of your project through the Coastal Program review procedures and determined that the project referenced above is consistent with the Mississippi Coastal Program, provided that you comply with the noted conditions.

If you have any questions regarding the Permit or this correspondence, please contact Jennifer Wittmann with the Bureau of Wetlands Permitting at 228-523-4111 or Jennifer.wittmann@dmr.ms.gov.

Sincerely,


William W. Walker, Ph.D.
Executive Director

WWW/jcw

Enclosures

cc: Mr. Philip Hegji, USACE
Ms. Florance Watson, OPC
Mr. Raymond Carter, SOS

Certification Number: DMR-M-9707019
Type: Exclusion
Date: May 23, 2011

~~WHEREAS, application by the Mississippi State Port Authority for compliance under the~~
provisions of Chapter 27, Mississippi Code of 1972, as amended, to perform certain works
affecting the coastal wetlands of the State of Mississippi on the Mississippi Sound, Gulfport,
Harrison County, Mississippi.

NOW THEREFORE, this certification authorizes the above named applicant hereinafter
called permittee, to perform such works at the Mississippi State Port, Gulfport, MS in
adherence to the following conditions contained herein:

1. Approximately 500,000 cubic yards of material unsuitable for construction shall be excavated within the footprint of the previously approved Phase III expansion of the MSP;
2. Turbidity shall be minimized at the dredge site by methods such as using staked filter cloth, staged construction, and/or the use of turbidity screens around the immediate project site;
3. No dredging of wetlands, submerged aquatic vegetation or shellfish beds is authorized;
4. Dredge material shall be utilized for a DMR-approved beneficial use, in accordance with MS Code § 49-27-61 unless a written exception to these requirements is issued by the DMR;
5. Prior to the commencement of construction, permittee must submit to the DMR a copy of the Tidelands Lease as required by the Secretary of State and as filed in the subject County Land Records, or a statement from the Secretary of State that the permitted activity does not require a Tidelands Lease;
6. No construction debris or unauthorized fill material shall be allowed to enter coastal wetlands or waters;
7. Best Management Practices shall be used at all times during construction;
8. Vegetated wetlands shall not be impacted; and,
9. No creosote material shall be used in construction.

Any deviations beyond the restrictive conditions as set forth in this Certificate of Exclusion shall be considered a violation and may result in the revocation of the certification. Violations of these conditions may be subject to fines, project modifications and/or site restoration. Both the permittee and the contractor may be held liable for conducting unauthorized work. A modification to these conditions may be requested by submitting a written request along with a revised project diagram to DMR. Proposed modifications to dimensions, project footprint, and/or procedures must be approved in writing prior to commencement of work.

This certification conveys no title to land and water, and does not constitute authority for

reclamation of coastal wetlands.

This certification authorizes no invasion of private property or rights in property.

Granting of this certification does not relieve the permittee from requirements of a Permit from the U.S. Army Corps of Engineers nor from the necessity of compliance with all applicable state or local laws, ordinances and zoning or other regulations.

This certification shall become effective upon acceptance by the permittee and receipt of the executed copy.

Please execute this certification by signing both documents and returning the copy to the Department of Marine Resources.

Work authorized by this certification must be completed on or before May 23, 2016.

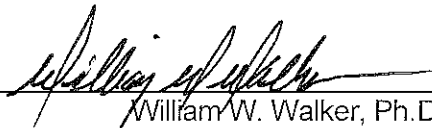
Enclosed is a "Notice of Compliance" which must be conspicuously displayed at the site during construction of the permitted work.

The Department of Marine Resources has also coordinated a review of your project through the Coastal Program review procedures and determined that the project referenced above is consistent with the Mississippi Coastal Program, provided that you comply with the noted conditions and reviewing coastal program agencies do not disagree with said plans. By copy of this certification, we are notifying the U.S. Army Corps of Engineers of this determination.

THE PERMITTEE BY ACCEPTANCE OF THIS CERTIFICATION AGREES TO ABIDE BY THE STIPULATIONS AND CONDITIONS CONTAINED HEREIN AND AS DESCRIBED BY THE PLANS AND SPECIFICATIONS SUBMITTED AS PART OF THE COMPLETED APPLICATION.

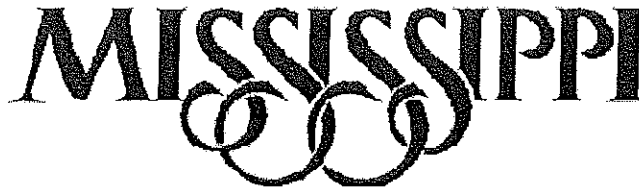
STATE OF MISSISSIPPI
DEPARTMENT OF MARINE RESOURCES

BY: _____


William W. Walker, Ph.D.
Executive Director

Accepted this the ____ day of _____, 20 ____.

BY: _____



Department of Marine Resources

NOTICE OF COMPLIANCE

DMR- M-9707019 EXCLUSION

DATE: May 23, 2011

THIS NOTICE ACKNOWLEDGES THAT:

Mississippi State Port Authority
P.O. Box 40
Gulfport, MS 39502

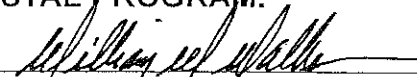
HAS, THROUGH APPLICATION TO THIS DEPARTMENT, DULY COMPLIED WITH THE MISSISSIPPI COASTAL WETLANDS PROTECTION LAW TO:

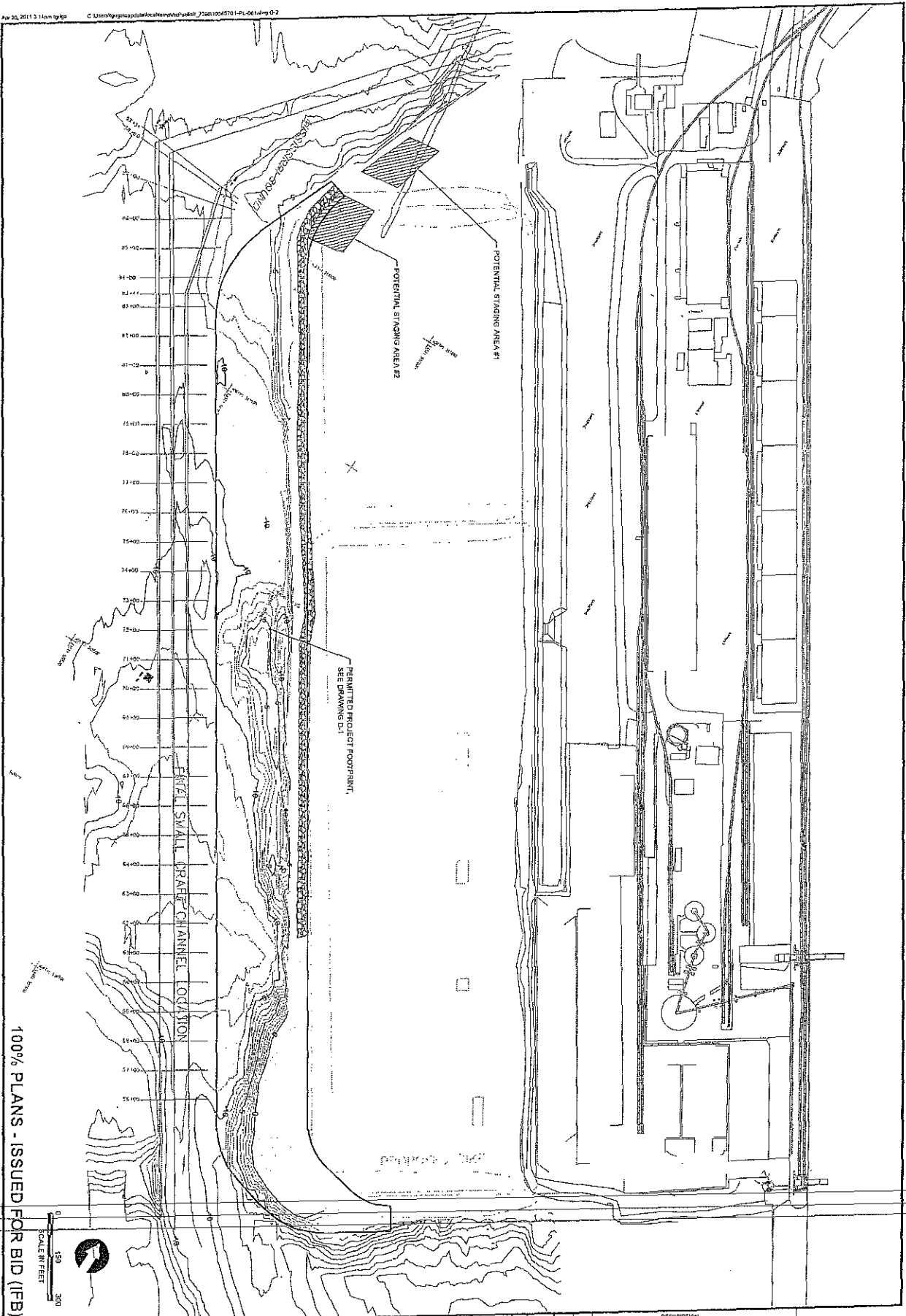
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2. Turbidity shall be minimized at the dredge site by methods such as using staked filter cloth, staged construction, and/or the use of turbidity screens around the immediate project site;
3. No dredging of wetlands, submerged aquatic vegetation or shellfish beds is authorized;
4. Dredge material shall be utilized for a DMR-approved beneficial use, in accordance with MS Code § 49-27-61 unless a written exception to these requirements is issued by the DMR;
5. Prior to the commencement of construction, permittee must submit to the DMR a copy of the Tidelands Lease as required by the Secretary of State and as filed in the subject County Land Records, or a statement from the Secretary of State that the permitted activity does not require a Tidelands Lease;
6. No construction debris or unauthorized fill material shall be allowed to enter coastal wetlands or waters;
7. Best Management Practices shall be used at all times during construction;
8. Vegetated wetlands shall not be impacted; and,
9. No creosote material shall be used in construction.

On the Mississippi Sound at the Mississippi State Port in Gulfport, Harrison County, Mississippi.

No construction debris or unauthorized fill material shall be allowed to enter coastal wetlands or waters.

FURTHERMORE, THIS PROJECT AS PROPOSED HAS BEEN FOUND TO BE CONSISTENT WITH ALL GUIDELINES FOR CONDUCT OF REGULATED ACTIVITIES IN COASTAL WETLANDS AS SET FORTH IN THE MISSISSIPPI COASTAL PROGRAM.


Executive Director



100% PLANS - ISSUED FOR BID (IFB)

<p>DREDGE DESIGN FOR 24-ACRE FILL AREA PORT OF GULFPORT RESTORATION PROJECT EXISTING CONDITIONS - SITE OVERVIEW</p>		<p>CONTRACT NO. 010-HUD-011 PROJECT NO. 003 GULFPORT, MS MISSISSIPPI STATE PORT AUTHORITY</p>	
<p>ANCHOR OEA</p>		<p>DESIGNED BY: V. ORICA DRAWN BY: T. ORICA CHECKED BY: M. MEARS APPROVED BY: J. VANDUM</p>	

DATE: APRIL 13, 2011
 DRAWN BY: J. VANDUM
 SCALE: 1" = 300'

1" = 300'

0 150 300

100% PLANS - ISSUED FOR BID (IFB)



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

June 15, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-01768-DMY, Mississippi State Port Authority-Formal Request for Information (MSPA-EIS-2011-001)

Mississippi State Port Authority
Attention: Mr. Joe Conn
Director of Port Restoration
2510 14th St., Suite 880
Gulfport, Mississippi 39501

Dear Mr. Conn:

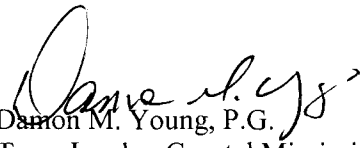
The U.S. Army Corps of Engineers, Mobile District (USACE) is formally requesting information to support preparation of the Environmental Impact Statement (EIS) for the Mississippi State Port Authority's (MSPA) proposed Port of Gulfport Expansion Project. Following review of public and agency comment during the formal scoping period, and after review of currently available information, it has been determined that the following information is needed:


- 1) New work and maintenance dredged material quantities for expansion of the turning basin; and
- 2) A dredged material management plan (DMMP) for expansion of the turning basin to include both construction (new work) and maintenance of the basin for the life of the project (up to 30 years).

Additionally, USACE requests that MSPA determine if the DMMP may require designation of an ODMDS for placement of material under the Marine Protection, Research, and Sanctuaries Act (MPRSA) sections 102 or 103. If it is determined designation is required, USACE requests immediate notification so that coordination with EPA can be initiated, if necessary.

Should you wish to discuss this request or have any questions, please do not hesitate to contact me at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


Damon M. Young, P.G.
Team Leader, Coastal Mississippi
Regulatory Division

D. YOUNG/3781/ε
RDI-S 
FILE

Basic Evaluation of Existing ODMDS Options for the Proposed Port of Gulfport Expansion Project

The Atkins team has evaluated available information regarding availability of ODMDSs in proximity to the proposed Port of Gulfport Expansion Project. The following provides a summary of the evaluation.

Gulfport ODMDS Options

The Mobile District and EPA Region 4 have 3 ODMDS locations near the project area: Gulfport East, Gulfport West and Pascagoula.

Gulfport East:

This site lies along the eastern edge of the Gulfport navigation channel approximately 12 nautical miles (nmi) from the Mississippi coast and 0.7 nmi from Ship Island (USACE and EPA, no date). According to the 2008 Gulfport Harbor Navigation Channel FEIS prepared by C2HMHill (2008 FEIS), the Gulfport East ODMDS site is no longer used by the USACE for disposal because the material that is placed there tends to drift westward into the navigation channel (C2HMHill, 2008). Therefore this ODMDS will not be considered for disposal in this project.

Gulfport West:

Gulfport West is immediately across from Gulfport East on the other side of the navigation channel approximately 14 nmi from the Mississippi coast and 1.2 nmi from Ship Island (USACE and EPA, no date). According to the 2008 FEIS, this site did not have enough capacity to hold the entire new work material from the widening of the channel (approximately 3,800,000 CY) and would not have enough capacity to hold the maintenance material (approximately 2,900,000 CY per dredging cycle). The current and projected capacity of this ODMDS was not publicly available. Depending on whether or not it is used for expansion of the channel and depending on the projected capacity and the projected amount of material that would need to be placed within the area, this ODMDS may be a suitable disposal site.

Pascagoula:

The Pascagoula ODMDS is located in proximity to the area with Horn Island to the north, the Pascagoula Ship channel to the east, the navigation safety fairway to the south, and a north-south line running through Dog Keys Pass to the west (USACE and EPA, 2006). As of the SMMP publication date in 2006, the USACE had estimated that between 3 – 8 million CY would be disposed of at the site and capacity was not an issue. The capacity would become an issue, however, if the projected capacities exceed 25% of their estimates (USACE and EPA, 2006). The current capacity available at this ODMDS was not made public. Depending on the available capacity and the amount of material that would need to be disposed of, this ODMDS could be a possible disposal option.

Proposed ODMDS:

The 2008 FEIS states that there was a proposed ODMDS south of the Safety Fairway and approximately 3 miles from the Chandeleur Islands (C2HMHill, 2008). The status of this permit is currently unknown. If this ODMDS is permitted, it could be another possible disposal option.

References:

USACE and EPA, no date. Gulfport ODMDS Site Management and Monitoring Plan. Could not find the signed version and therefore no date could be established. Looks like it was executed around 2002 or 2003 though based on the text.

C2HMHill, 2008. 2008 Gulfport Harbor Navigation Channel FEIS

USACE and EPA, 2006. Pascagoula ODMDS Site Management and Monitoring Plan.



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

June 15, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-01768-DMY,
Mississippi State Port Authority

Historic Preservation Division
Attention: Mr. Greg Williamson
Post Office Box 571
Jackson, Mississippi 39205-0571

Dear Mr. Williamson:

The U.S. Army Corps of Engineers, Mobile District (USACE) intends to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The MSPA has filed a permit application with USACE for proposed impacts to jurisdictional waters of the U.S. under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The project proposed by MSPA is intended to expand the existing Port of Gulfport facilities and provide for the long-term recovery of the State of Mississippi and the Gulf Coast region. Potential impacts associated with the proposed project include dredge and fill activities impacting up to 400 acres of open-water bottom in Mississippi Sound. The proposed expanded port facility would be constructed to 25 feet above mean sea level to provide protection against storm surge events. The enclosed figures depict the study area and project features.

The USACE is collecting data for the preparation of an EIS. The level of detail for our assessment will be as necessary to describe existing conditions, as well as to determine potential project impacts. The intent of this letter is to request specific information on Cultural Resources occurring in the study area that should be addressed for the project and any conservation recommendations you may have.

For your information, Mr. Jim Woodrick of reviewed a similar project on May 10, 2010 in a letter (enclosed) to the USACE (MDAH Project Log #04-116-10) resulting in a finding that no cultural resources are likely to be affected. The cleared project is adjacent to the impact area for the currently proposed project.

-2-

Please reply at your earliest convenience to indicate whether your agency, or any of its services, bureaus, or offices, has any information to provide relevant to the proposed project. Should you wish to discuss the EIS or have any questions, please call me at (251)694-3781 or email at damon.m.young@usace.army.mil.

Sincerely,

Damon M. Young, PG
Team Leader, Coastal Mississippi
Regulatory Division

Enclosures

D. YOUNG/3781/af
RD-T-S-*ms* *June 11*

FILE

MISSISSIPPI DEPARTMENT *of* ARCHIVES AND HISTORY



PO Box 571, Jackson, MS 39205-0571
601-576-6850 • Fax 601-576-6975
mdah.state.ms.us
H.T. Holmes, Director

May 10, 2010

Young

Mr. Damon M. Young, PG
Mobile District, Corps of Engineers
P.O. Box 2288
Mobile, Alabama 36628-0001

RE: Proposed restoration and revitalization of the Port of Gulfport (Mississippi State Port Authority), MDAH Project Log #04-116-10, Harrison County

Dear Mr. Young:

We have reviewed your request for a cultural resources assessment, received on April 16, 2010, for the above referenced projects in accordance with our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After reviewing the information provided, it is our determination that no cultural resources are likely to be affected. Therefore, we have no objection with the proposed undertaking.

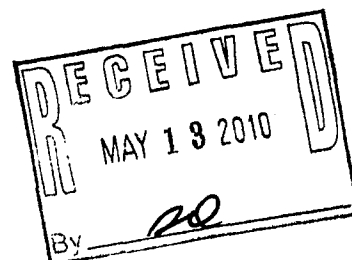
Should there be additional work in connection with the project, or any changes in the scope of work, please let us know in order that we may provide you with appropriate comments in compliance with the above referenced regulations.

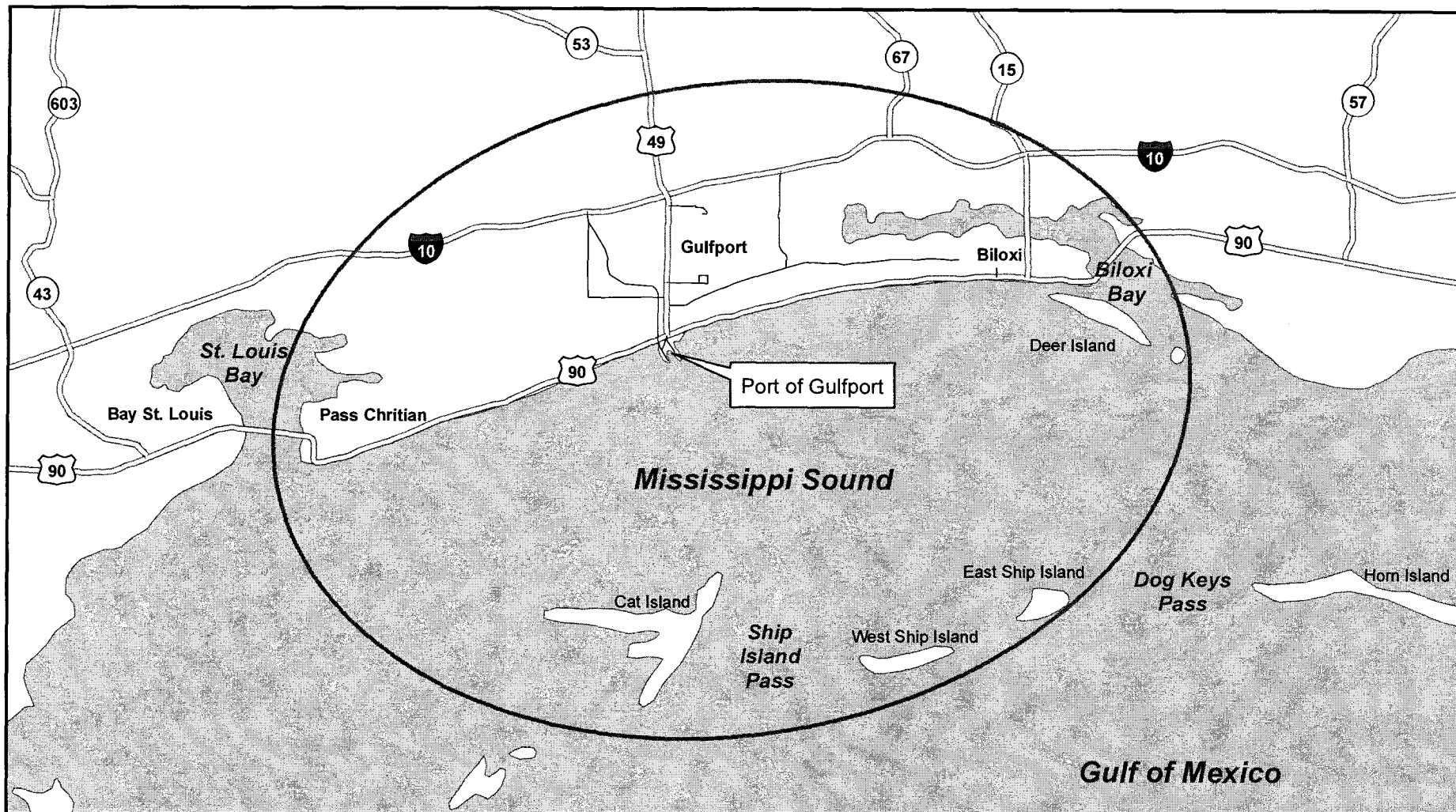
If you have any questions, please do not hesitate to contact us at (601) 576-6940.

Sincerely,


Jim Woodrick
Review and Compliance Officer

FOR: H.T. Holmes
State Historic Preservation Officer

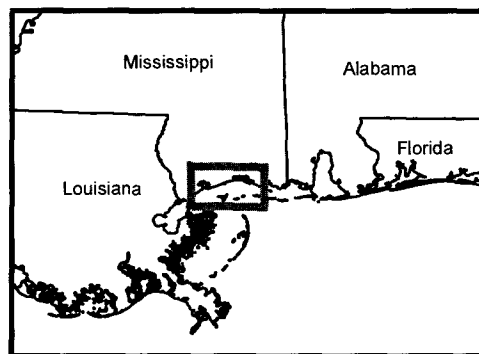




 Study Area



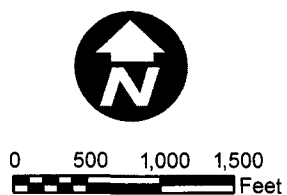
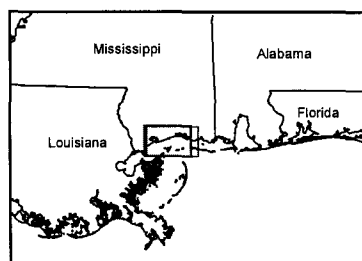
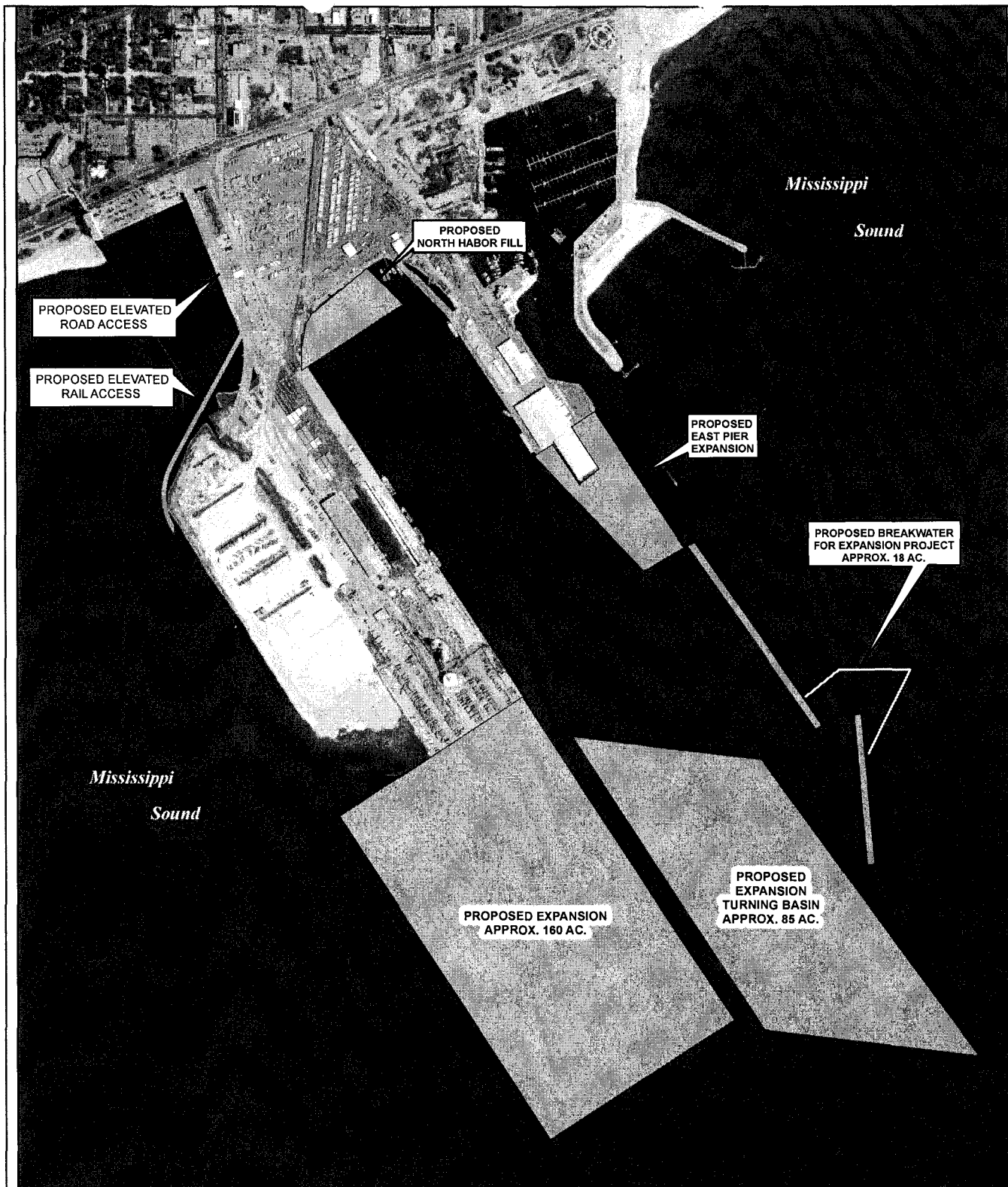
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Miles



Study Area Map

Mississippi State Port Authority

Date: 2/21/2011



ATKINS

**PROJECT FEATURES
PROPOSED PORT OF GULFPORT
EXPANSION PROJECT**



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

June 15, 2011

Coastal Branch
Regulatory Division

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Mississippi State Port Authority
Attention: Mr. Joe Conn
Director of Port Restoration
2510 14th St., Suite 880
Gulfport, Mississippi 39501

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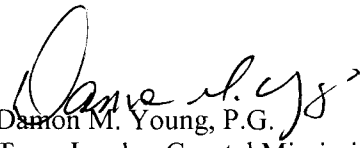
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Sincerely,


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Team Leader, Coastal Mississippi
Regulatory Division

D. YOUNG/3781/ε
RDI-S 
FILE

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C2HMHill, 2008. 2008 Gulfport Harbor Navigation Channel FEIS

USACE and EPA, 2006. Pascagoula ODMDS Site Management and Monitoring Plan.

Vitale, Lisa D

From: Ryan Hendren [Ryan.Hendren@noaa.gov]
Sent: Thursday, June 16, 2011 1:22 PM
To: Bulger, Angela G
Cc: Young, Damon M SAM; Hegji, Philip A SAM; Fitzgibbons, Kimberly D; Vitale, Lisa D
Subject: Re: NMFS PRD letter
Attachments: Ryan_Hendren.vcf

Angela,

I apologize for the late reply. As we discussed in the meeting last month, the May 11, 2011 letter requested clarification on the May 11, 2010 letter from NMFS Habitat Conservation Division and the email from Dr. Bolden (NMFS-Protected Resource Division) on April 8, 2010 in reference to USACE project SAM-2009-1768-DMY.

The May 11, 2011 letter stated "The email from Dr. Bolden is very specific in what your agency expects the USACE to address regarding impacts to the Gulf sturgeon; however the letter is less specific. Please clarify your expectations for evaluating impacts to the Gulf sturgeon."

I believe there is a misunderstanding of the email and the letter. The email from Dr. Bolden discusses the issues that are likely to be encountered by the project subject to Section 7 of the ESA.

The letter submitted by NMFS Habitat Conservation Division discusses the issues that are likely to be effect Essential Feature Habitat under the Fish and Wildlife Coordination Act and Magnuson-Stevens Act.

Therefore the letter will not deal directly with impacts to Gulf sturgeon. -rH

On 6/9/2011 11:21 AM, Bulger, Angela G wrote:
Hey Ryan!

I was just looking at the letter sent to NMFS from USACE last month (pdf attached) and realized that last week on the call we thought it had been wrapped up and we didn't need anything from you, but I'm not sure we got the clarification requested. Perhaps I missed it, and if so, I apologize. The second to last paragraph in the May 2011 letter to NMFS specifically requests clarification on expectations for evaluating impact to the Gulf sturgeon. Our specialists felt that the email from Dr. Bolden in 2010 was very specific, but that the letter we received in May 2010 was less specific. Can you please just clarify for us? I know you're busy, but it would be nice to have a letter for the administrative record, if possible.

Feel free to give me a call if you'd like to discuss. (I just noticed that the letter references 2011 instead of 2010 for both the email and letter from NMFS. Sorry if this caused confusion!)

Thanks!

Angela G. Bulger
Ecology Group Manager

ATKINS

6504 Bridge Point Parkway, Suite 200, Austin, Texas 78730 | Tel: +1 (512) 342 3388 | Fax: +1 (512) 327 2453 | Cell: +1 (512) 565 5797 |
Email: angela.bulger@atkinsglobal.com | Web: www.atkinsglobal.com/northamerica www.atkinsglobal.com

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Ryan Hendren
ESA Consultant
Office of Protected Resources
National Marine Fisheries Service
263 13th Ave S
St. Petersburg, FL 33701
PH: (727) 551-5610
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Email: ryan.hendren@noaa.gov
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16610
June 20, 2012

District Engineer
U.S. Army Corps of Engineers, Mobile District
Regulatory Division; Coastal
P.O. Box 2288
Mobile, AL 36628-0001

Dear Mr. Young:

This letter is in response to Public Notice No. SAM-2012-00632-DMY, dated April 30, 2012, Dept. Coastal Sciences, USM – Proposal to install 19 buoys with attached Vemco VR2W receivers around the proposed new footprint of the restored and expanded Port of Gulfport, Gulfport, MS.

In accordance with the June 2, 2000 Memorandum of Understanding between the Coast Guard and Army Corps of Engineers, my staff conducted an evaluation of the proposed site on June 5, 2012. After conducting an initial risk assessment of the proposal, we found that the proposed project indicates a low level of risk with regard to waterway safety. Therefore, I have no objections with this project and request that the following special condition statement is included in any forthcoming USACOE Permit approvals or directives related to Public Notice No. SAM-2012-00632-DMY, dated April 30, 2012.

“In order for the Coast Guard to give proper notice to the maritime community; the permitted owners, contractors, or responsible party(s) shall contact Coast Guard Sector Mobile Waterways Management Branch (spw), 1500 15th Street, Mobile, AL 36615 at (251) 441-5684 or (251) 441-5720, 60 days prior to performing the proposed action and provide proposed position and location of each buoy. The permitted owners, contractors, or responsible party(s) must also receive a U.S. Coast Guard Private Aids to Navigation marking determination. At no later than 30 days prior to the installation of any buoys, you are required to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, (504)671-2328 or via email to: D8oanPATON@uscg.mil. For general information related to Private Aids to Navigation please visit the Eighth CG District web site at: <http://www.uscg.mil/d8/waterways/PATON.Home.asp>.”

If you have any further questions concerning this matter or the applicant wishes to meet directly with a representative of the Captain of the Port, please contact the Waterways Branch at (251) 441-5940.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. J. Carson".

L. J. CARSON
Lieutenant, U. S. Coast Guard
Waterways Division Chief
By direction



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

June 30, 2011

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-01768-DMY, Mississippi State Port Authority-Formal Request for Information (MSPA-EIS-2011-002)

Mississippi State Port Authority
Attention: Mr. Joe Conn
Director of Port Restoration
2510 14th St., Suite 880
Gulfport, Mississippi 39501

Dear Mr. Conn:

The U.S. Army Corps of Engineers, Mobile District (USACE) is formally requesting information to support preparation of the Environmental Impact Statement (EIS) for the Mississippi State Port Authority's (MSPA) proposed Port of Gulfport Expansion Project. Following review of public and agency comment during the formal scoping period, and after review of currently available information, it has been determined that the following information is needed:

- a. Capacity limits for the MDOT Connector Road, as currently designed;
- b. Projected truck and employee traffic volumes at full expansion build-out;
- c. Capacity limits along the existing KCS rail line;
- d. Projected capacity limits along the KCS rail line post-improvement; and
- e. Projected volumes of rail container traffic expected a full expansion build-out.

The requested information is needed to continue the evaluation of potentially connected actions to the proposed Port of Gulfport Expansion Project. Please provide a formal response within 30 to 60 days of receipt of this letter.

Should you wish to discuss this request or have any questions, please do not hesitate to contact me at 251-694-3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,

Damon M. Young, P.E.
Team Leader
Coastal Mississippi



Young

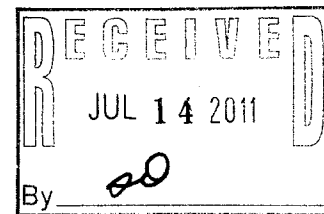
MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT

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July 6, 2011

Damon Young, P.G.
Team Leader, Coastal Mississippi
Regulatory Division
USACE, Mobile District
109 St. Joseph Street
Mobile, AL 36602



Subject: Department of the Army Permit Application Number SAM-2009-01768-DMY,
Mississippi State Port Authority Request for Information (MSPA-2001-001)

Dear Mr. Young:

The Mississippi State Port Authority (MSPA) received your letter dated June 15, 2011, formally requesting information to support the preparation of the Environmental Impact Statement (EIS) for MSPA's proposed Expansion Project. Two questions were asked regarding potential dredged material.

1. New work and maintenance dredged material quantities for expansion of the turning basin, and
2. A dredged material maintenance plan (DMMP) for the expansion of the turning basin to include by construction (new work) and maintenance of the basin for the life of the project (up to 30 years)

In response to question 1) new work, MSPA have projected a footprint for the new turning basin to be approximately 85 acres. Based on an assumption of water depths of -10', and a new turning basin depth of -36' (with a -2' over dredge), we estimate the total cubic yards (cy) for new work will be 4M cy. At this point in time, we do not have an estimate of what the maintenance quantities will be.

In addition to dredging the new turning basin for the expansion, we will also assume that the new expansion footprint will have to be dredged to remove material unsuitable for construction. Based on an estimated 160 acres for the expansion footprint and the history of dredging and filling for the permitted 84 acre site, we assume that an additional 2M cy of material will be dredged.

Question 2 requests MSPA's DMMP for expansion and maintenance of the turning basin. At this time, a DMMP has not been prepared. MSPA is currently working to have one of its program consultants prepare one. It is anticipated that a draft DMMP will be available by October 1, 2011. Once the draft is prepared and reviewed internally, it will be provided to US Army Corps of Engineers (USACE), Mobile District. It is anticipated a final DMMP will be completed by December 1, 2011.

We will work with USACE in determining the need to designate a new ODMDS once we have the draft DMMP prepared. With this document we will have a better understanding of the amount of dredged material that could be generated with the expansion project and the potential alternatives for disposal.

I hope the information provided answers the questions sufficiently for the time being. Please do not hesitate to call me at 228.865.4300 or by email at jconn@shipmspa.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Conn", with a long, sweeping horizontal line extending to the right.

Joseph O. Conn, P.E.
Director of Port Restoration



PO Box 571, Jackson, MS 39205-0571
601-576-6850 • Fax 601-576-6975
mdah.state.ms.us
H.T. Holmes, Director

Young

July 25, 2011

Mr. Damon M. Young
Mobile District, Corps of Engineers
Post Office Box 2288
Mobile, Alabama 36628-0001

RE: SAM-2009-01768-DMY; Proposed expanded port facility by the Mississippi State Port Authority, MDAH Project Log #06-135-11, Harrison County

Dear Mr. Young:

We have reviewed your request for a cultural resources assessment, received on June 20, for the above referenced project in accordance with our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After reviewing the information provided, it is our determination that no cultural resources are likely to be affected. Therefore, we have no objection with the proposed undertaking.

Should there be additional work in connection with the project, or any changes in the scope of work, please let us know in order that we may provide you with appropriate comments in compliance with the above referenced regulations.

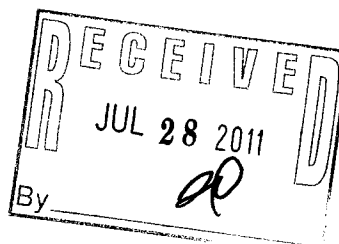
If you have any questions, please do not hesitate to contact us at (601) 576-6940.

Sincerely,

Hal Bell
Hal Bell

Review and Compliance Assistant

FOR: Greg Williamson
Review and Compliance Officer



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August 8, 2011

To Whom It May Concern:

The Mississippi State Port Authority (MSPA) is conducting an Environmental Assessment (EA) for the Kansas City Southern Railway (KCSR) Track Upgrade Project from Hattiesburg to Gulfport, MS. The proposed project will upgrade the KCSR line between Palmer's Crossing (milepost 67.5) and the State Port at Gulfport (milepost 0.0).

As part of our assessment of impacts to the natural environment, we have performed the required 8-Step process for floodplains and wetlands. As part of this process, the attached notice will be published in the Hattiesburg American and Sun Herald newspapers on August 10, 2011.

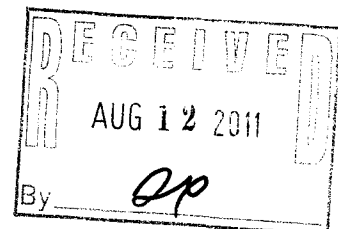
We are providing this information to you as an identified interested party. We invite you to provide your comments by way of the instructions on the attached notice.

Sincerely,
BURK-KLEINPETER, INC.
ENGINEERS, ARCHITECTS, PLANNERS AND ENVIRONMENTAL SCIENTISTS

Ellen W. Soll

Ellen Wilmer Soll, AICP
Planner

cc: Ewing Milam, Mississippi Development Authority
John Webb, Mississippi State Port Authority



2nd (Final) Notice of Activity in a 100-Year Floodplain or Wetland

Date: August 10, 2011

To: All interested Agencies, Groups and Individuals

Mississippi State Port Authority
2510 14th Street
Suite 1450
Gulfport, MS 39501

The Mississippi Development Authority (MDA) has conducted an evaluation as required by Executive Order 11990 – Wetlands Protection and Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain and wetland will have on the human environment for Kansas City Southern Railway Company Track Upgrade Project, Gulfport to Hattiesburg, MS, under the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Disaster Recovery Grant program.

The project will upgrade 67.5 miles of existing railroad corridor (atop the existing railroad trackbed), from Gulfport, MS to Hattiesburg, MS and construct one new 8,500 foot siding adjacent to the existing railroad trackbed. Over the 67.5 miles, the project corridor passes through 15,400 linear feet or 770,000 square feet of floodplain, though most of the work occurs atop the existing railroad trackbed. The proposed project study area included 166 acres of wetlands, though no wetland filling is anticipated to occur. The proposed project(s) utilizes the existing KCSR rail corridor which roughly parallels US 49 in Harrison, Stone and Forrest Counties.

Notice of Early Public Review was published in the Sun Herald and Hattiesburg American on April 1, 2011 and June 17, 2011 and disseminated to other interested parties and regulatory agencies.

The proposed project will provide a more viable alternative mode of transportation for cargo between Gulfport and Hattiesburg, support local and state economic development initiatives, promote energy efficiency and environmental quality and improve safety and quality of life. The project proposes to upgrade the only existing North-South railroad between Gulfport and Hattiesburg. There are no reasonable or prudent alignment alternatives to the proposed track upgrade that will achieve the project's purpose and need. To minimize the potential for impacts to the environment, a recommended preferred alternative for the 8,500 ft siding has been made. No mitigation measures have been identified.

The "no action" alternative was also considered. Under the "no action" alternative, trucks would remain the only reasonably viable option for north-south movement of goods to and from the Port of Gulfport due to the current limitations on operating speeds on the line. This means that trends in air quality and congestion associated with north – south freight movement will continue to decline, particularly in the Gulfport Area, which will reach non-attainment for Ozone in the coming years. Communities surrounding the rail line would not experience the quality of life and safety benefits associated with the project, which includes both quieter rail operation and improved crossings.

Written comments must be received by Mississippi State Port Authority (MSPA) at the following address on or before **August 25, 2011**: Mississippi State Port Authority, 2510 14th Street, Suite 1450, Gulfport, MS 39501 and 228-865-4300. Attention: Mr. John Webb, during the hours of 8:00 AM to 5:00 PM. Comments may also be submitted via email at jwebb@shipmspa.com.



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

August 19, 2011

Coastal Branch
Regulatory Division

SUBJECT: Kansas City Railway Track Upgrade Project-2nd (Final) Notice of Activity in a 100-Year Floodplain or Wetland

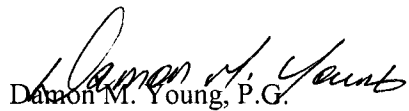
Burk-KleinPeter, Inc.
Attention: Ellen Wilmer Soll, AICP
4176 Canal Street
New Orleans, Louisiana 70179

Dear Mr. Webb:

This is in response to your enclosed letter dated August 8, 2011 and received in this office on August 12, 2011. The U.S. Army Corps of Engineers (USACE) is preparing an Environmental Impact Statement (EIS) (SAM-2009-1768-DMY) under the National Environmental Policy Act (NEPA) for the proposed Port of Gulfport Expansion Project. We are considering discussing the portion of the Kansas City Southern Railway Company (KCSR) Track Upgrade project that ties into the Port of Gulfport as a Connected Action to the proposed action. We have submitted a Request for Information (RFI002 on June 30, 2011) to the Mississippi State Port Authority at Gulfport (MSPA) requesting additional information about the track upgrade project so we can determine the appropriate context for addressing this action in accordance with the NEPA.

We request that the KCSR coordinate with the MSPA to provide the information requested regarding the KCSR track upgrade project to assist in the decision of how this action should be addressed in the EIS. Should you wish to discuss this request or have any questions, please do not hesitate to contact me at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


Damon M. Young, P.G.
Team Leader, Coastal Mississippi

Copy Furnished:

Email Only:

Mr. Ryan Hendren, NMFS PRD
Mr. Mark Thompson, NMFS, CHD
Mr. Joseph Conn, MSPA
Mr. Ewing Milam, MDA
Mr. Clay Cromwell, Wildlife Technical
Mrs. Angela Bulger, Atkins

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WILLIAM R. BURK, JR., 1912-1986

August 8, 2011

To Whom It May Concern:

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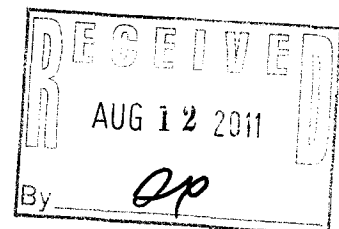
We are providing this information to you as an identified interested party. We invite you to provide your comments by way of the instructions on the attached notice.

Sincerely,
BURK-KLEINPETER, INC.
ENGINEERS, ARCHITECTS, PLANNERS AND ENVIRONMENTAL SCIENTISTS

Ellen W. Soll

Ellen Wilmer Soll, AICP
Planner

cc: Ewing Milam, Mississippi Development Authority
John Webb, Mississippi State Port Authority



2nd (Final) Notice of Activity in a 100-Year Floodplain or Wetland

Date: August 10, 2011

To: All interested Agencies, Groups and Individuals

Mississippi State Port Authority
2510 14th Street
Suite 1450
Gulfport, MS 39501

The Mississippi Development Authority (MDA) has conducted an evaluation as required by Executive Order 11990 – Wetlands Protection and Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain and wetland will have on the human environment for Kansas City Southern Railway Company Track Upgrade Project, Gulfport to Hattiesburg, MS, under the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Disaster Recovery Grant program.

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The "no action" alternative was also considered. Under the "no action" alternative, trucks would remain the only reasonably viable option for north-south movement of goods to and from the Port of Gulfport due to the current limitations on operating speeds on the line. This means that trends in air quality and congestion associated with north – south freight movement will continue to decline, particularly in the Gulfport Area, which will reach non-attainment for Ozone in the coming years. Communities surrounding the rail line would not experience the quality of life and safety benefits associated with the project, which includes both quieter rail operation and improved crossings.

Written comments must be received by Mississippi State Port Authority (MSPA) at the following address on or before **August 25, 2011**: Mississippi State Port Authority, 2510 14th Street, Suite 1450, Gulfport, MS 39501 and 228-865-4300. Attention: Mr. John Webb, during the hours of 8:00 AM to 5:00 PM. Comments may also be submitted via email at jwebb@shipmspa.com.

August 18, 2011

Dear Mr. Hendren:

Atkins (formally PBS&J) has been contracted by the U.S. Army Corps of Engineers (USACE) to write a third party environmental impact statement (EIS) to help them in their decision process for evaluation of a Clean Water Act Section 404/River and Harbors Act Section 10 permit application for the Port of Gulfport Expansion Project (PGEP). As you know, Dr. Stephania Bolden provided input regarding the PGEP based on the information provided at April 6, 2010 meeting. Since this meeting, the footprint of the PGEP has changed. The letter below details some of the key changes that have occurred to the PGEP since the meeting in 2010 and explains the current proposed action. Atkins understands the issues surrounding threatened and endangered species and has a specific technical knowledge about Gulf sturgeon. In addition to the explanation of project changes, this letter also contains responses to Dr. Bolden's comments and some suggested resolutions to fill the data gaps listed in her email dated April 8, 2010.

EXISTING PROJECT AREA

The existing Port of Gulfport (Port) encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway (GIWW) and approximately 7 miles south of Interstate Highway 10. The existing Port includes an East Terminal, Central Support Area, West Terminal, and a Commercial Small Craft Harbor. The harbor basin is divided into the inner harbor (water depth of -32 feet) and the outer harbor (water depth -36 feet). Access to the Port is via the federally maintained ship channel (water depth -36 feet) and a small craft channel (water depth -8 feet). Located to the east of the Port is a recreational small craft harbor, yacht club, city park, and a U.S. Coast Guard Station. A public beach is located to the west of the Port. The northern boundary of the Port is Highway 90.

PGEP FOOTPRINT REDUCTION

The initial joint permit application proposed an expansion of existing project area that included 700 acres of fill and 18.3 million cubic yards (mcy) of material that was proposed to be dredged. The Mississippi State Port Authority's (MSPA) current PGEP would entail filling up to 400 acres of open-water bay bottom in the Mississippi Sound and include 6.5 mcy of material to be dredged for the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities,

dredging and dredged material disposal and infrastructure, and construction of a breakwater of approximately 4,000 linear feet.

Given the sizable reduction in the project footprint we would like to offer the following responses to your comments listed in your email dated April 8, 2010, and suggest a number of study efforts that would be conducted to address data gaps.

ADMINISTRATIVE COMMENTS

1. Comment: Because footprint of port will increase 250%, the project should be called an expansion instead of restoration.
Response: The project has been renamed the Port of Gulfport Expansion Project (PGEP). The proposed footprint for the expansion has been reduced by approximately 43% from the footprint proposed in the original permit application. Details are provided above.
2. Comment: Direct all requests regarding listed species to David Bernhart, Assistant Regional Administrator for Protected Resources.
Response: Comment noted; however we are consulting with Ryan Hendron regarding listed species per the agreement between the USACE and National Marine Fisheries Service (NMFS).
3. Comment: Mark Thompson of NMFS Habitat Conservation is contact for essential fish habitat (EFH) and mitigation.
Response: Comment noted. We are consulting with Mark Thompson.
4. Comment: Suggest utilizing USACE in-house expertise at ERDC to assist Gary Rae, Todd Slack, Doug Clarke, and Phil Kirk.
Response: Comment noted. Atkins will make contact with various USACE staff listed above regarding the project to get input and data. Information received will be input into the EIS.
5. Comment: NMFS and U.S. Fish and Wildlife Service (USFWS) share management of Gulf sturgeon.
Response: Comment noted. Atkins is consulting with both USFWS and NMFS to gather data and identify, evaluate, and disclose potential impacts from the proposed PGEP in the EIS and Biological Assessment.

Construction of the breakwater to the east comments

6. Comment: Structure has great potential to impede fish passage.
Response: Comment noted. The breakwater structures could impede fish passage; however, the breakwater structures have been redesigned to allow more circulation and fish passage compared to previous designs. Atkins is working with the MSPA and their consultant to determine whether a circulation study has been conducted. If not, it will be recommended that circulation modeling be done to determine the impact of the proposed project. These data will be used in the EIS to assess and disclose the impacts of the proposed project to fish passage.
7. Comment: What is height and width (bottom and top) of breakwater structure? Materials?
Response: This information is not known at this time. Atkins will work with MSPA and their consultant to determine if design will have progressed to the point that this information will be available for consideration in the EIS.

8. Comment: Potential for fish passage over structure via ramp?
Response: The fish ramp feature was eliminated from the design when the breakwater structures were redesigned.
9. Comment: Potential for staggered wave baffles to allow water circulation and fish movement through breakwater?
Response: The current breakwater design includes two structures that are staggered to allow water circulation. See Figure 1 attached.

Construction of the nearshore cut/channel:

10. Comment: Structure has potential to trap fish
Response: The nearshore cut/channel has been eliminated from the project design.
11. What is proposed depth, width, purpose, and materials?
Response: The nearshore cut/channel has been eliminated from the project design.
Comment: Ensure flow attracts fish into and out of to cut instead of small craft harbor.
Response: The nearshore cut/channel has been eliminated from the project design.
12. Comment: Model circulation to ensure water temperature and dissolved oxygen are appropriate (DO 4.5mg/L at benthos during summer months).
Response: If circulation modeling has not been conducted it will be recommended. These data will be used in the EIS to assess and disclose the impacts of the proposed project to fish passage.

Listed species in project area:

13. Comment: Reference SERO PRD website (<http://sero.nmfs.noaa.gov/>) to acquire list of species that are in project area.
Response: The species covered in the T&E section of the EIS include, state-listed species, federally designated candidate species and species of concern within the study area; however, only those species identified by the USFWS and/or NMFS as threatened or endangered are afforded Federal protection under the ESA. See Attachment A for a list of species currently included in the EIS under the T&E section.
14. Comment: Because vessel traffic will increase, include geographic areas that vessels traverse (Gulf of Mexico, South Atlantic Ocean) when considering species that may occur in project area.
Response: Comment noted. The species included in the EIS are detailed above. However, because the proposed PGEP is not the cause of increased traffic, impact evaluation will focus on the Gulfport Ship Channel, Port expansion area, and potential dredged material placement areas.

Gulf sturgeon - consideration of the listed species and their designated critical habitat

15. Gulf sturgeon from both the Pearl and Pascagoula River are known to utilize the coastal Mississippi area out to and including the barrier islands for migration and foraging. Migration includes both spawning movement when the fish move from marine to freshwater areas as well as longshore coastal movements to forage and move to foraging habitat.
Response: Comment noted. See discussion below.

16. Comment: No directed study of Gulf sturgeon has been conducted within the project footprint.
Response: Comment Noted. Below is a proposed study plan that will be used to alleviate data gaps in the project footprint, project area, and study area.
17. Comment: Gulf sturgeon are known to utilize the coastal nearshore waters
Response: Comment noted. Gulf sturgeon are known to utilize nearshore waters but the extent of usage that has been documented is relatively low as compared to the usage that occurs near the barrier islands. In Ross et al (2009), only 13% of fish were located in the nearshore region throughout the study as opposed to the barrier island region (87%). It is unknown whether this is due to fewer fish occurring in the nearshore region or is an artifact of only 14% of the tracking effort being conducted in this region. This information as well as other studies conducted in the area will be included in the EIS.
18. Comment: The recent Gulf sturgeon 5-year review (attached) identified both the Pearl and Pascagoula River populations of Gulf sturgeon as being of unknown number and viability due to likely impacts from Hurricane Katrina and the lack of subsequent survey.
Response: Comment noted. This review will be included in the EIS.
19. Comment: Known threats to the Gulf sturgeon include channel improvements and maintenance activities, water quality degradation, contaminant, red tide, and climate change.
Response: Comment Noted. Known threats to Gulf sturgeon will be evaluated and disclosed in the EIS.
20. Comment: Proposed Project is located within designated Gulf sturgeon critical habitat (Unit 8); unit 8 provides juvenile, sub-adult and adult feeding, resting and passage habitat for Gulf sturgeon from the Pearl and Pascagoula rivers (68 FR 13395).
Response: Comment noted. Not only does Ross et al. (2009) show lateral movement between the Pearl and Pascagoula rivers, but Dugo et al. (2004) shows a genetic link between Gulf Sturgeon the Pearl Pascagoula rivers. This information and any additional data collected for this project will be disclosed in the EIS. Below is a proposed study plan that will be used to alleviate data gaps in the project footprint, project area, and study area.
21. Comment: The Primary Constituent Elements (PCEs) with Unit 8 are: abundant food items, water quality, sediment quality, and safe and unobstructed migratory pathways (68 FR 13389). The Gulfport channel was not excluded from critical habitat (68 FR 13401). Gulf sturgeon critical habitat rule is attached.
Response: Comment noted. A discussion of PCEs with Unit 8 will be included in the EIS. The project, as currently proposed, does not include modification to the existing Federal Gulfport Channel. Potential changes in vessel traffic resulting from the proposed PGEP will be evaluated in the EIS. Below is a proposed study plan that will be used to alleviate data gaps in the project footprint, project area, and study area.

Formal Consultation and Study Recommendations

22. Comment: Any package submitted to NMFS for a section 7 ESA consultation request needs to address impacts to both the species and their designated critical habitat. When considering impact to designated critical habitat, assess potential affects to each Primary. Constituent Element (listed above) and discuss how the project may or may not destroy or modify the ecological function of the habitat.

Response: Comment noted. Atkins will use the current available literature as well as the data collected from the study plan detailed below to discuss impacts to both the species and its designated critical habitat. The potential impacts will be addressed with regard to each PCE. Such information will also be used to discuss how the proposed project could potentially impact (including destroy or modify) the ecological function of the habitat.

In your email you reference 50 CFR 402.14 for details about formal consultation and advise the following studies be conducted. In order to address your and other agency concerns about the potential impact to Gulf sturgeon from the proposed project we are proposing a combination of modeling and field data collection efforts. Below is a brief description of each study that will be planned to address the data gaps listed above. Based on results of the proposed efforts below, determination will be made regarding need for additional field study, such as the suggested tagging study.

23. Identify use of project area and nearby habitat by Gulf sturgeon—capture and tag fish from both the Pearl and Pascagoula rivers, place receivers along the shoreline between rivers and port and around port.
 - a. We recommend that habitat characterization studies (detailed below) be conducted to determine existence of potential habitat within the PGEP. Impacts are prior to initiating any tagging studies. Following completion of habitat characterization, Atkins and USACE will coordinate with NMFS and USFWS regarding the need for further study. Additional studies could include setting up sonic receivers at various points around the project area to record the movement of previously tagged Gulf sturgeon. This additional data gathering effort would work in conjunction with the fish tagged as part of the NERDA and NOAA studies already underway in the rest of Mississippi Sound. Tagging fish is not anticipated as part of any additional studies for the PGEP.
2. Conduct substrate sampling in project area and nearby habitat to characterize substrate and prey availability.
 - a. A substrate and benthos habitat characterization will be conducted over the study area with a higher frequency of samples in the project footprint and few samples radiating out through the project area and study area. Additional habitat characteristics will be gathered to help characterize Gulf sturgeon habitat such as depth (m), bottom temperature (°C), bottom dissolved oxygen (mg/L), salinity (psu), and secchi depth (cm). Dominant and subdominant substrate type will be characterized similar to Ross et al 2009. Benthos will be analyzed and identified to the lowest taxa possible. All the species will be recorded an average percent relative abundance, cumulative relative abundance and percent occurrence will be calculated over the study area.
3. Conduct core sampling to determine potential presence of contaminants within areas to be dredged.
 - a. Extensive core sampling will be conducted according to U.S. Environmental Protection Agency (EPA) standards within the dredging prism to test for contaminants. Water, sediment and elutriate analysis will be conducted for any parameters that were exceeded in the 2004 USACE dredging maintenance testing. Per EPA guidance it is expected that each core sample will need to be parceled out into several sub samples in order to

delineate any area of contamination. Additionally, one core sample will likely be needed every 500 linear feet to accurately describe the dredging prism.

Upon identification of dredged material placement areas, additional toxicity sampling will be conducted as appropriate.

4. Perform analysis to understand circulation patterns and sediment transport within the project area post-construction.
 - a. A consultation will be conducted to determine the modeling effort that will best satisfy the circulation and sediment transport data gap. The resolution of models will be highly dependent on the existing grids and the tide and weather data available to be entered into the model. Additional spreadsheet models may need to be run to understand the relationship between the circulation and sediment transport, and key water quality characteristics such as dissolved oxygen.

Upon approval of a sampling scope of work by USACE, it will be sent to NMFS for review and discussion. Please contact me at (512)342-3388 or angela.bulger@atkinsglobal.com or Damon Young at USACE if you have any questions about any of the responses to comment or the various studies that are proposed to be conducted.

Respectfully,



Angela Bulger, Project Manager

Attachments

Cc. Dr. Stephania Bolden, NMFS
Mark Thompson, NMFS
Damon Young, USACE

References

Dugo, M.A., B.R. Kreiser, S.T. Ross, W.T. Slack, R.J. Heise, and B.R. Bowen. 2004. Conservation and management implications of fine scale genetic structure of Gulf sturgeon in the Pascagoula River, Mississippi. *Journal of Applied Ichthyology* 20: 243-251.

Ross, S.T., T.E. Slack, R.J. Heise, M.A. Dugo, H Rogillio, BR Bowen, P. Mickle, and R.W. Heard. 2009. Estuarine and coastal habitat use of Gulf sturgeon (*Acipenser oxyrinchus desotio*) in the North-Central Gulf of Mexico. *Estuaries and Coasts* 32: 360-374.



 Project Area

 Project Features



0 3,000
Feet

Figure X.XX

Port of Gulfport Expansion Project

**Proposed Project Features
and Project Area**

Prepared By: 13029

Scale: 1" = 3000'

Job No.: 100018536

Date: June 27, 2011

**Attachment A. Threatened and Endangered Wildlife Species of Possible Occurrence in Hancock,
Harrison, and Jackson Counties, Mississippi¹**

Common Name ²	Scientific Name ²	Federal Status ³	State Status ³
BIRDS			
Red-cockaded woodpecker	<i>Picoides borealis</i>	E	E
Mississippi sandhill crane	<i>Grus canadensis pulla</i>	ECH	E
Piping plover ⁴	<i>Charadrius melodus</i>	TCH	E
Bald eagle ⁵	<i>Haliaeetus leucocephalus</i>		E
Brown pelican	<i>Pelecanus occidentalis</i>		E
Bewick's wren	<i>Thryomanes bewickii</i>		E
Peregrine falcon	<i>Falco peregrinus</i>		E
MAMMALS			
West Indian manatee	<i>Trichechus manatus</i>	E	E
Louisiana black bear	<i>Ursus americanus luteolus</i>	T	E
Blue whale	<i>Balaenoptera musculus</i>	E	
Fin whale	<i>Balaenoptera physalus</i>	E	
Humpback whale	<i>Megaptera novaeangliae</i>	E	
Sei whale	<i>Balaenoptera borealis</i>	E	
Sperm whale	<i>Physeter macrocephalus</i>	E	
AMPHIBIANS			
Mississippi gopher frog	<i>Rana capito sevosa</i> (syn. <i>Lithobates sevosus</i>)	E	E
One-toed amphiuma	<i>Amphiuma pholeter</i>		E
REPTILES			
Alabama red-bellied turtle	<i>Psuedemys alabamensis</i>	E	E
Kemp's ridley	<i>Lepidochelys kempii</i>	E	E
Leatherback sea turtle	<i>Dermochelys comacea</i>	E	E
Gopher tortoise	<i>Gopherus polyphemus</i>	T	E
Green turtle	<i>Chelonia mydas</i>	T	E
Loggerhead turtle	<i>Caretta caretta</i>	T	E
Eastern indigo snake	<i>Drymarchon corais couperi</i> (syn. <i>Drymarchon couperi</i>)	T	E
Yellow-blotched map turtle	<i>Graptemys flavimaculata</i>	T	E
Black pine snake	<i>Pituophis melanoleucus</i> ssp. <i>lodingi</i>	C	E
Rainbow snake	<i>Farancia erytrogramma</i>		E
Southern hognose snake	<i>Heterodon simus</i>	SOC	E
FISHES			
Gulf sturgeon	<i>Acipenser oxyrhynchus desotoi</i>	TCH	E
Alabama shad	<i>Alosa alabamae</i>	SOC	SOC
Dusky shark	<i>Carcharhinus obscurus</i>	SOC	
Night shark	<i>Carcharhinus signatus</i>	SOC	
Sand tiger shark	<i>Odontaspis taurus</i>	SOC	
Speckled hind	<i>Epinephelus drummondhayi</i>	SOC	
Warsaw grouper	<i>Epinephelus nigritus</i>	SOC	
Saltwater topminnow	<i>Fundulus jenkinsi</i>		SOC
Crystal darter	<i>Crystallaria asprella</i>		E
Ironcolor shiner	<i>Notropis chalybaeus</i>		E
CORAL			
Ivory tree coral	<i>Oculina varicose</i>	SOC	
PLANTS			
Louisiana quillwort	<i>Isoetes louisianensis</i>	E	

¹ According to USFWS (2010a); MNHP (2011).

² Nomenclature and taxonomic orders follow USFWS (2011a, 2011b, 2011c, 2011d, 2011e, 2011f), Integrated Taxonomic Information System (ITIS, 2011); MNMS (2011).

³ E = Endangered; T = Threatened; C = Candidate; SOC = Species of Concern; ECH or TCH = Listed with Critical Habitat;

⁴ Critical Habitat for Piping Plover occurs on barrier islands and in certain areas of coastal counties.

⁵ Although delisted, nesting bald eagles and their nest trees are protected by law under the Bald and Golden Eagle Act. As population numbers increase, eagles may be found throughout the state.



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

REPLY TO
ATTENTION OF

August 19, 2011

Coastal Branch
Regulatory Division

SUBJECT: Kansas City Railway Track Upgrade Project-2nd (Final) Notice of Activity in a 100-Year Floodplain or Wetland


Burk-KleinPeter, Inc.
Attention: Ellen Wilmer Soll, AICP
4176 Canal Street
New Orleans, Louisiana 70179

Dear Mr. Webb:

This is in response to your enclosed letter dated August 8, 2011 and received in this office on August 12, 2011. The U.S. Army Corps of Engineers (USACE) is preparing an Environmental Impact Statement (EIS) (SAM-2009-1768-DMY) under the National Environmental Policy Act (NEPA) for the proposed Port of Gulfport Expansion Project. We are considering discussing the portion of the Kansas City Southern Railway Company (KCSR) Track Upgrade project that ties into the Port of Gulfport as a Connected Action to the proposed action. We have submitted a Request for Information (RFI002 on June 30, 2011) to the Mississippi State Port Authority at Gulfport (MSPA) requesting additional information about the track upgrade project so we can determine the appropriate context for addressing this action in accordance with the NEPA.

We request that the KCSR coordinate with the MSPA to provide the information requested regarding the KCSR track upgrade project to assist in the decision of how this action should be addressed in the EIS. Should you wish to discuss this request or have any questions, please do not hesitate to contact me at 251.694.3781 or by electronic mail at damon.m.young@usace.army.mil.

Sincerely,


Damon M. Young, P.G.
Team Leader, Coastal Mississippi

Copy Furnished:

Email Only:

Mr. Ryan Hendren, NMFS PRD
Mr. Mark Thompson, NMFS, CHD
Mr. Joseph Conn, MSPA
Mr. Ewing Milam, MDA
Mr. Clay Cromwell, Wildlife Technical
Mrs. Angela Bulger, Atkins

BURK-KLEINPETER, INC.

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August 8, 2011

To Whom It May Concern:

The Mississippi State Port Authority (MSPA) is conducting an Environmental Assessment (EA) for the Kansas City Southern Railway (KCSR) Track Upgrade Project from Hattiesburg to Gulfport, MS. The proposed project will upgrade the KCSR line between Palmer's Crossing (milepost 67.5) and the State Port at Gulfport (milepost 0.0).

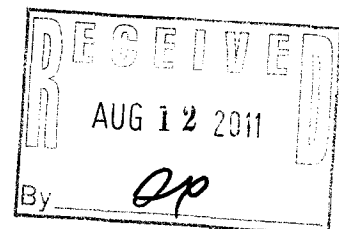
As part of our assessment of impacts to the natural environment, we have performed the required 8-Step process for floodplains and wetlands. As part of this process, the attached notice will be published in the Hattiesburg American and Sun Herald newspapers on August 10, 2011.

We are providing this information to you as an identified interested party. We invite you to provide your comments by way of the instructions on the attached notice.

Sincerely,
BURK-KLEINPETER, INC.
ENGINEERS, ARCHITECTS, PLANNERS AND ENVIRONMENTAL SCIENTISTS

Ellen Wilmer Soll, AICP
Planner

cc: Ewing Milam, Mississippi Development Authority
John Webb, Mississippi State Port Authority



2nd (Final) Notice of Activity in a 100-Year Floodplain or Wetland

Date: August 10, 2011

To: All interested Agencies, Groups and Individuals

Mississippi State Port Authority
2510 14th Street
Suite 1450
Gulfport, MS 39501

The Mississippi Development Authority (MDA) has conducted an evaluation as required by Executive Order 11990 – Wetlands Protection and Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain and wetland will have on the human environment for Kansas City Southern Railway Company Track Upgrade Project, Gulfport to Hattiesburg, MS, under the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Disaster Recovery Grant program.

The project will upgrade 67.5 miles of existing railroad corridor (atop the existing railroad trackbed), from Gulfport, MS to Hattiesburg, MS and construct one new 8,500 foot siding adjacent to the existing railroad trackbed. Over the 67.5 miles, the project corridor passes through 15,400 linear feet or 770,000 square feet of floodplain, though most of the work occurs atop the existing railroad trackbed. The proposed project study area included 166 acres of wetlands, though no wetland filling is anticipated to occur. The proposed project(s) utilizes the existing KCSR rail corridor which roughly parallels US 49 in Harrison, Stone and Forrest Counties.

Notice of Early Public Review was published in the Sun Herald and Hattiesburg American on April 1, 2011 and June 17, 2011 and disseminated to other interested parties and regulatory agencies.

The proposed project will provide a more viable alternative mode of transportation for cargo between Gulfport and Hattiesburg, support local and state economic development initiatives, promote energy efficiency and environmental quality and improve safety and quality of life. The project proposes to upgrade the only existing North-South railroad between Gulfport and Hattiesburg. There are no reasonable or prudent alignment alternatives to the proposed track upgrade that will achieve the project's purpose and need. To minimize the potential for impacts to the environment, a recommended preferred alternative for the 8,500 ft siding has been made. No mitigation measures have been identified.

The "no action" alternative was also considered. Under the "no action" alternative, trucks would remain the only reasonably viable option for north-south movement of goods to and from the Port of Gulfport due to the current limitations on operating speeds on the line. This means that trends in air quality and congestion associated with north – south freight movement will continue to decline, particularly in the Gulfport Area, which will reach non-attainment for Ozone in the coming years. Communities surrounding the rail line would not experience the quality of life and safety benefits associated with the project, which includes both quieter rail operation and improved crossings.

Written comments must be received by Mississippi State Port Authority (MSPA) at the following address on or before **August 25, 2011**: Mississippi State Port Authority, 2510 14th Street, Suite 1450, Gulfport, MS 39501 and 228-865-4300. Attention: Mr. John Webb, during the hours of 8:00 AM to 5:00 PM. Comments may also be submitted via email at jwebb@shipmspa.com.



Ben. H. Stone
(228) 214-0402

(888) 201-0157 (direct fax)
bstone@balch.com

September 28, 2011

Damon M. Young, P.G.
Team Leader, Coastal Mississippi
Department of the Army
Mobile District, Corps of Engineers
P. O. Box 2288
Mobile, AL 36628-0001

Re: *Department of the Army Permit Application Number SAM-2009-01768-DMY,
Response of the Mississippi State Port Authority-Formal Request for Information
(MSPA EIS-2011-002)*

Dear Mr. Young:

As counsel for the Mississippi State Port Authority at Gulfport ("Port Authority"), we are providing this letter in response to the formal request for information of the U.S. Army Corps of Engineers/Mobile District ("USACE") dated June 30, 2011. The Port Authority's response to the information requested by the USACE is as follows:

a. Capacity limits for the MDOT Connector Road, as currently designed;

Please refer to MDOT FONSI document in support of Corps permit SAM 2007-1082 MFM.

b. Projected truck and employee traffic volumes at full expansion build-out;

At full expansion of approximately four (4) million twenty-foot equivalent units ("TEU") annually, it is projected that two (2) million TEU, or fifty percent (50%) of the throughput, will pass through the Port of Gulfport ("Port") via truck. This equates to approximately 4,700 trucks per weekday based on 250 weekdays.¹

Pursuant to the Projected Economic Impacts from Container Terminal Development at Gulfport provided by TranSystems, approximately 5,479 direct jobs will exist at one (1) million TEU of annual throughput at the Port.² On average, 4.1 direct jobs are created per 1,000 TEU of throughput.³ At the projected capacity of four (4) million TEU at full expansion, approximately

¹ See April 2010 Conceptual Planning for Roadway and Rail Access by Neel Schaffer, p. 2-2.

² See TranSystems June 2011 Update, Projected Economic Impacts from Container Terminal Development at Gulfport, p. 11.

³ See TranSystems June 2011 Update, Projected Economic Impacts from Container Terminal Development at Gulfport, p. 7.

16,400 direct jobs will exist based on this average. The foregoing does not include induced and indirect jobs projected as a result of the proposed Port expansion.

c. Capacity limits along the existing KCS rail line;

The corridor begins at Mile Post ("MP") 0.0, north of U.S. Highway 90 near the Port and ends at MP 67.5, near Barkley Road in Hattiesburg, Mississippi where the track continues under the ownership of the Canadian National Railroad.

The current maximum weight on the rail line is 263,000 pounds gross rail load. Speeds on the line are currently limited to 10 mph.⁴ At present, the line is capable of single-stack intermodal operations and it takes approximately 8.5 hours for a train to travel from the Port to Hattiesburg.⁵ The average rail operation on the line is presently six (6) trains per week between the Port and Hattiesburg.⁶ The trains average 2,940 feet in length and are made up of a variety of car types.⁷

d. Projected capacity limits along the KCS rail line post-improvement;

The Project will upgrade the entire line segment to handle 286,000 pound rail cars and double stack intermodal container traffic at operating speeds of up to 49 mph over most of the line (north of Interstate 10 to Hattiesburg) following its completion.⁸ Completion of the Project will result in an average total transit time of approximately 3.75 hours, reducing transit times by approximately 4.75 hours.⁹ The maximum projected operational length of a train following the improvements is 3,900 feet.¹⁰

⁴ See Kansas City Southern Railway Environmental Assessment prepared by Burk-Kleinpeter, Inc., Working Draft dated June 24, 2011, p. 7.

⁵ See Rail Improvements Project Agreement between MSPA and KCSR – Phase I, p. 2.

⁶ See Kansas City Southern Railway Environmental Assessment prepared by Burk-Kleinpeter, Inc., Working Draft dated June 24, 2011, p. 7.

⁷ See Kansas City Southern Railway Environmental Assessment prepared by Burk-Kleinpeter, Inc., Working Draft dated June 24, 2011, p. 7.

⁸ See Rail Improvements Project Agreement between MSPA and KCSR – Phase I, pp. 2-3.

⁹ See Rail Improvements Project Agreement between MSPA and KCSR – Phase I, pp. 2-3.

¹⁰ See Kansas City Southern Railway Environmental Assessment prepared by Burk-Kleinpeter, Inc., Working Draft dated June 24, 2011, Appendix C, Section C-13 – Traffic Study Technical Memorandum, p. 5.

Damon M. Young, P.G.
September 28, 2011
Page 3

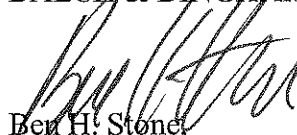
e. Projected volumes of rail container traffic expected at full expansion build-out.

At full expansion of approximately four (4) million TEUs annually, it is projected that fifty percent (50%), or two (2) million TEUs, will be transported by rail.¹¹

We trust that the foregoing information sufficiently responds to the request of the USACE. Should you need any additional information or wish to discuss anything presented in this response in more detail, please do not hesitate to contact me at (228) 214-0402 or by email at bstone@balch.com.

Very truly yours,

BALCH & BINGHAM LLP



Ben H. Stone
General Counsel for the
Mississippi State Port Authority at Gulfport

BHS:mbp

¹¹ See April 2010 Conceptual Planning for Roadway and Rail Access by Neel Schaffer, p. 2-6.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
(727) 824-5312; FAX (727) 824-5309
<http://sero.nmfs.noaa.gov>

F/SER31:RGH

NOV 15 2011

Ms. Angela Bulger
Project Manager
Atkins North America, Inc.
6504 Bridge Point Parkway, Suite 200
Austin, Texas 78730

RE: Port of Gulfport Expansion Project EIS-Response to Comments

Dear Ms. Bulger:

NOAA's National Marine Fisheries Service (NMFS) has received your letter dated August 18, 2011, in response to comments provided by Dr. Stephania Bolden on April 8, 2010, for the proposed Port of Gulfport Expansion Project (PGEP), Harrison County, Mississippi. Information on the proposed PGEP and suggested actions for moving forward provided by your office were detailed in this letter. NMFS has reviewed your comments and generally agrees with the responses made with the exception of the comments listed below.

14. Comment: Because vessel traffic will increase, include geographic areas that vessels traverse (Gulf of Mexico, South Atlantic Ocean) when considering species that may occur in project area.

Response: Comment noted. The species included in the EIS are detailed above. However, because the proposed PGEP is not the cause of increased traffic, impact evaluation will focus on the Gulfport Ship Channel, Port expansion area, and potential dredged material placement areas.

NMFS disagrees that the PGEP will not increase traffic. The current Port is approximately 128 acres and accommodates 10 vessels from 525 to 750 feet long. In the preliminary draft of the PGEP EIS it states that "the number of vessel calls declined from a range of 352 to 384 vessels per year between 2002 and 2005 to 225 vessels in 2006 (MSPA, 2006). Once the restoration of the West Pier is completed, the Port will be 288 acres and will offer three active terminals, with configuration possible for a fourth. The restoration includes infrastructure for a future fourth terminal on the south end of the elevated West Pier, configured to allow a high volume container operation if desired." It appears that the purpose of this expanded capacity, coupled with the proposed road and rail facility improvements is to increase the number of vessel calls to the Port of Gulfport over the 2005 amounts.

NMFS believes that the PGEP may have an effect on listed marine mammal species found in the Gulf of Mexico and therefore should be considered in the EIS. The expansion of the port and the



increased vessel traffic that would result from this action could increase the probability of collisions between vessels and sperm whales. Vessels have the potential to affect sperm whales in deeper, pelagic waters (>200 m) where sperm whales are typically found in the GOM. Information on anticipated vessel ports of origin, number of trips per year, vessel size (i.e., length, breadth, draft, etc.), and routes will be needed to analyze the effects of vessels on marine mammals. Per our conversation on August 26, 2011, we discussed the current project designs which will not require deepening of the harbor since the Port of Gulfport will not be designed to accommodate the New Panamax vessel dimensions. However, even though the larger size vessel will not be a factor, consideration of marine species and potential vessel related impacts from the proposed expansion remains an issue of concern.

17. Comment: Gulf sturgeon are known to utilize the coastal nearshore waters.

Response: Comment noted. Gulf sturgeon are known to utilize nearshore waters but the extent of usage that has been documented is relatively low as compared to the usage that occurs near the barrier islands. In Ross et al (2009), only 13% of fish were located in the nearshore region throughout the study as opposed to the barrier island region (87%). It is unknown whether this is due to fewer fish occurring in the nearshore region or is an artifact of only 14% of the tracking effort being conducted in this region. This information as well as other studies conducted in the area will be included in the EIS.

Recent Gulf sturgeon monitoring data (11/2010 – 2/2011) from NOAA and Natural Resource Damage Assessment (NRDA) stationary acoustic receivers located throughout (nearshore and barrier island) Gulf sturgeon critical habitat Unit 8 have recorded at least 12 tagged Gulf sturgeon located predominantly in the nearshore region. Tagged sturgeon ranged between 53.5 cm juvenile (< 100 cm TL) and sub-adult/adult (>100 cm TL) 158 cm TL. Although this data set is over a short time period, the data shows a much higher utilization of the nearshore habitat than barrier island habitat.

23. Comment: Identify use of project area and nearby habitat by Gulf sturgeon-capture and tag fish from both the Pearl and Pascagoula rivers, place receivers along the shoreline between rivers and port and around port.

Response: a. We recommend that habitat characterization studies be conducted to determine existence of potential habitat within the PGEP. Impacts are prior to initiating any tagging studies. Following completion of habitat characterization, Atkins and USACE will coordinate with NMFS and USFWS regarding the need for further study. Additional studies could include setting up sonic receivers at various points around the project area to record the movement of previously tagged Gulf sturgeon. This additional data gathering effort would work in conjunction with the fish tagged as part of the NERDA and NOAA studies already underway in the rest of Mississippi Sound. Tagging fish is not anticipated as part of any additional studies for the PGEP.

Per our conversation on August 26, 2011, we strongly recommend that the applicant/agent monitor the nearshore area for Gulf sturgeon using stationary acoustic receiver arrays, regardless of determination of suitable habitat. Based on other studies done in the area, arrays should be put out to catch the potential migration. These arrays should be consistent with the ongoing

studies. Staff from your office will need to coordinate with Mark Peterson (University of Southern Mississippi) and Todd Slack (U.S. Army Engineer Research and Development Center) to determine a means by which we can ensure the arrays would be consistent with tags being used for the other studies and to discuss number and positioning of arrays. The goal of this monitoring is to determine whether or not Gulf sturgeon are migrating through the proposed project area.

If you have any questions, please contact Ryan Hendren at (727) 551-5610 or by e-mail at Ryan.Hendren@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Bernhart", written in a cursive style.

David M. Bernhart
Assistant Regional Administrator
for Protected Resources

cc: Mark Thompson, NMFS
Damon Young, USACE

File: 1514-22.F.6
Ref: F/SER/2010/01808



16610
June 20, 2012

District Engineer
U.S. Army Corps of Engineers, Mobile District
Regulatory Division; Coastal
P.O. Box 2288
Mobile, AL 36628-0001

Dear Mr. Young:

This letter is in response to Public Notice No. SAM-2012-00632-DMY, dated April 30, 2012, Dept. Coastal Sciences, USM – Proposal to install 19 buoys with attached Vemco VR2W receivers around the proposed new footprint of the restored and expanded Port of Gulfport, Gulfport, MS.

In accordance with the June 2, 2000 Memorandum of Understanding between the Coast Guard and Army Corps of Engineers, my staff conducted an evaluation of the proposed site on June 5, 2012. After conducting an initial risk assessment of the proposal, we found that the proposed project indicates a low level of risk with regard to waterway safety. Therefore, I have no objections with this project and request that the following special condition statement is included in any forthcoming USACOE Permit approvals or directives related to Public Notice No. SAM-2012-00632-DMY, dated April 30, 2012.

“In order for the Coast Guard to give proper notice to the maritime community; the permitted owners, contractors, or responsible party(s) shall contact Coast Guard Sector Mobile Waterways Management Branch (spw), 1500 15th Street, Mobile, AL 36615 at (251) 441-5684 or (251) 441-5720, 60 days prior to performing the proposed action and provide proposed position and location of each buoy. The permitted owners, contractors, or responsible party(s) must also receive a U.S. Coast Guard Private Aids to Navigation marking determination. At no later than 30 days prior to the installation of any buoys, you are required to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, (504)671-2328 or via email to: D8oanPATON@uscg.mil. For general information related to Private Aids to Navigation please visit the Eighth CG District web site at: <http://www.uscg.mil/d8/waterways/PATON.Home.asp>.”

If you have any further questions concerning this matter or the applicant wishes to meet directly with a representative of the Captain of the Port, please contact the Waterways Branch at (251) 441-5940.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. J. Carson".

L. J. CARSON
Lieutenant, U. S. Coast Guard
Waterways Division Chief
By direction



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

January 23, 2013

Coastal Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-01768-DMY,
Mississippi State Port Authority-Formal Request for Information (MSPA EIS-2011-003)

Mississippi State Port Authority
Attention: Mr. Joe Conn
Director of Port Restoration
2510 14th Street, Suite 880
Gulfport, Mississippi 39501

Dear Mr. Conn:

The U.S. Army Corps of Engineers, Mobile District is formally requesting information to support preparation of the Environmental Impact Statement (EIS) for the Mississippi State Port Authority's proposed Port of Gulfport Expansion Project. The following information is needed to continue our review of the air and traffic impact analyses:

a. **Assumption Information to Complete Air Emissions/Greenhouse Gas Analysis:** It is understood the project is in preliminary design stages and that this level of detailed information may not be available at this time. Additionally, we recognize that preliminary information regarding equipment lists and bulk fuel estimates were been provided. However, to complete the modeling appropriately, estimates or assumptions for the following are needed.

Construction

- Construction schedule, broken out by month and year, showing the anticipated start and completion of construction and showing the timelines for the sequence of each activity; e.g., what year/month does the dredging start; what year month is it completed, etc.
- Hours of operation for each piece of equipment broken out by year/month
- Info on equipment rating, engine horsepower
- Type of fuel used for each type of equipment
- For dredges model/type of dredge, rated horsepower of engines (primary and auxiliary), hours of operation for each engine broken out by year/month; mobilization/demobilization hours of operation and year/month
- Number of tugboats, crew boats, shrimp boats; rated horsepower of engines (primary and auxiliary) and hours of operation for each broken out by year/month

Operation

- Anticipated hours of operation for each piece of equipment per year
- Equipment rating, engine horsepower
- Type of fuel used for each type of equipment

Fuel Consumption

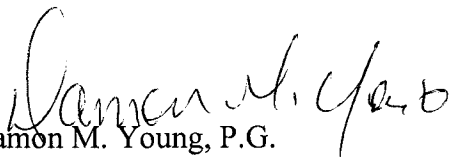
- Fuel usage broken out by month/year on a timeline
- Breakdown of fuel by primary and auxiliary engine
- Breakdown of fuel for tugs, crew boats and other vessels

b. **Information for Assessment of Ship Traffic:** Loading/unloading rate capacities or any other information regarding landside cargo movement capabilities (at-the-dock and moving cargo off-port) for the two EIS alternatives (Medium and Maximum Efficiency) to aid our understanding of loading/unloading times and movement of cargo on and off the Port.

The requested information is needed to continue the evaluation of potential resource impacts related to the proposed Port of Gulfport Expansion Project. Please provide a formal response within 60 days of receipt of this letter.

Should you wish to discuss this request or have any questions, please do not hesitate to contact me at (251) 694-3781 or by email at damon.m.young@usace.army.mil.

Sincerely,


Damon M. Young, P.G.
Team Leader, Coastal Mississippi
Regulatory Division

25 Jan 13
Young, D.
M. S. H. H.
File

Vitale, Lisa D

From: Bulger, Angela G
Sent: Thursday, October 17, 2013 5:29 PM
To: Vitale, Lisa D; Fitzgibbons, Kimberly D
Subject: FW: FW: Port of Gulfport - Mobile

Angela G. Bulger

Environmental Sciences and Planning

ATKINS

6504 Bridge Point Parkway, Suite 200, Austin, Texas 78730 | Tel: +1 (512) 342 3388 | Fax: +1 (512) 327 2453 | Cell: +1 (512) 461 7900 |
Email: angela.bulger@atkinsglobal.com | Web: www.atkinsglobal.com/northamerica www.atkinsglobal.com

From: Elizabeth.Calvit@CH2M.com [<mailto:Elizabeth.Calvit@CH2M.com>]
Sent: Thursday, October 17, 2013 1:47 PM
To: Bulger, Angela G; damon.young@usace.army.mil
Cc: GulfPort@CH2M.com
Subject: FW: FW: Port of Gulfport - Mobile

From: NDB E-Mailbox [<mailto:ocs.ndb@noaa.gov>]
Sent: Thursday, October 17, 2013 11:09 AM
To: Calvit, Elizabeth/GLF
Cc: CH2MHILL GulfPort; jconn@shipmspa.com; Elledge, Lon/GLF; Kate Fensterstock
Subject: Re: FW: Port of Gulfport - Mobile

Ms. Calvit,

Thank you for responding to NOAA's inquiry. I've updated our permits tracking database with the information you provided.

Please remember to submit any future project updates or as-builts you have to NOAA. If it's convenient for you, this e-mail address is a great way to do so as long as you include the permit number. My branch periodically mails automated permit inquiries, so if we haven't received the final project as-builts at the time of the next mailing, your office will receive another inquiry.

Thanks again, and enjoy your day.

Diane Melançon, Cartographer
Marine Chart Division
NOAA

On 10/1/2013 9:33 PM, Elizabeth.Calvit@CH2M.com wrote:

Good afternoon,

We received this letter regarding a permit application we submitted to USACE Mobile District for an expansion project. We are in the process of preparing an EIS as part of the permit process. The EIS is expected to be complete in April 2015. Only after that time will we potentially have a permit. Please make a note of this in your files. There will be no changes to the turning basin, dredging activities or fill until after the permit is signed.

Thanks
Elizabeth Calvit

Elizabeth Calvit

CH2M HILL
Environmental/Permitting & Operations Lead
Port of Gulfport Project
2510 14th Street, Suite 1013
Gulfport, MS 39501
228.822.2090
cell 318.308.0971
ecalvit@ch2m.com

CH2M HILL CONFIDENTIALITY NOTICE: This e-mail and any attachments are privileged and confidential. It is intended solely for the addressee. Any unauthorized disclosure, reproduction, distribution, or the taking of any action in reliance upon the contents of this information is prohibited. If you have received this e-mail in error, please notify the sender immediately and delete the message and all attachments.

From: Joe Conn [<mailto:jconn@shipmspa.com>]
Sent: Monday, September 30, 2013 3:38 PM
To: Calvit, Elizabeth/GLF
Subject: FW: Attached Image

Joe O. Conn, P.E.
Director of Port Restoration
MSPA @ Gulfport
office: (228)-865-4300
cell: (228)-323-0301

"Import, Export, Gulfport, Your Port"

From: drdcopier@shipmspa.com [<mailto:drdcopier@shipmspa.com>]
Sent: Monday, September 30, 2013 3:37 PM
To: Joe Conn
Subject: Attached Image



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

April 22, 2015

REPLY TO
ATTENTION OF

South Mississippi Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2009-01768-DMY, Mississippi State Port Authority

U.S. Environmental Protection
Agency, Region 4
Attention: Mr. Heinz Mueller
Sam Nunn Atlanta Federal Center
61 Forsyth Street Southwest
Atlanta, Georgia 30303-8960

Dear Mr. Mueller:

The U.S. Army Corps of Engineers (USACE), Mobile District is preparing an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500-1 508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). The MSPA has filed a permit application with USACE for impacts to jurisdictional waters of the United States under Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act.


The project proposed by the MSPA is the expansion of existing facilities and the expansion of the accompanying navigational harbor. The overall project purpose is to increase throughput capabilities at the Port beyond 1.0 million TEUs and stimulate the local, regional, and state economy by creating direct, indirect, and induced jobs.

Potential impacts associated with the proposed project include filling 202 acres (ac) of the Mississippi Sound, removal of approximately 3.7 million cubic yards (mcy) of material by dredging for the placement of 202 ac of proposed fill on more suitable foundation; and dredging of another 3.7 mcy of material south of the existing turning basin to expand the capacity of the turning basin, as well as the possible beneficial use and placement of the dredged material. Disposal alternatives being considered include placement of a portion of the dredged material within the U.S. Environmental Protection Agency (EPA) designated Pascagoula Ocean Dredged Material Disposal Site (ODMDS), and placement of a portion of the dredged material in the proposed Biloxi Marsh Complex site located west and south of the Port.

The USACE is collecting data for the preparation of an EIS. The level of detail for our assessment will be as necessary to describe existing conditions, as well as provide analysis of future conditions due to project impacts. The intent of this letter is to request specific information on resources under your purview that should be addressed for the project, that you may suggest.

As discussed in 40 CFR 1501.6, agencies with jurisdiction by law or with special expertise with respect to environmental issues to be addressed in the EIS may be cooperating agencies for the EIS. Please reply at your earliest convenience to indicate whether your agency or any of its services, bureaus, or offices has interest in participating as a cooperating agency on this EIS. Should you wish to discuss the EIS or have any questions, please call Mr. Philip Hegji at (251) 690-3222 or email at philip.a.hegji@usace.army.mil.

Sincerely,


Munther N. Sahawneh
Chief, Mississippi Branch
Regulatory Division

Hegji / sd / ALH
4/27/15

CH / RD - Mns

File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

May 4, 2015

Sahawneh
PP-15

Mr. Munther N. Sahawneh
Chief, Mississippi Branch
Regulatory Division
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Alabama 36628-0001

**Subject: EPA Cooperating Agency Request for Gulfport Harbor Expansion
Environmental Impact Statement (EIS). Gulfport, Mississippi**

Dear Mr. Sahawneh:

The U.S. Environmental Protection Agency (EPA), Region 4, received your letter dated April 12, 2010, offering this agency an opportunity to become a cooperating agency for the subject EIS. The U.S. Army Corps of Engineers (USACE), Mobile District is preparing an Environmental Impact Statement (EIS) for the Mississippi State Port Authority for the expansion of existing facilities and the navigational harbor at Gulfport. The purpose of the project is to increase the throughput capabilities at the Port and stimulate the economy by creating jobs. The project is also intended to improve safety and evacuation during coastal emergencies.

Based on the information provided, EPA understands that potential project impacts include filling 202 acres of the Mississippi Sound, removing approximately 3.7 million cubic yards (mcy) of material by dredging for the placement of 202 acres of proposed fill on more suitable foundation; and dredging another 3.7 mcy of material south of the existing turning basin to expand the capacity of the turning basin, as well as the possible beneficial use and placement of the dredged material.

In addition, there are various disposal alternatives being considered including placement of a portion of the dredged material within the U.S. Environmental Protection Agency (EPA) designated Pascagoula Ocean Dredged Material Disposal Site (ODMDS), and placement of a portion of the dredged material in the proposed Biloxi Marsh Complex site located west and south of the Port.

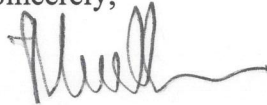
EPA accepts the U.S. Army Corps of Engineers (USACE) Mobile District's offer to be a cooperating agency for the proposed EIS. However, it should be noted that our status as a cooperating agency has no effect on our review responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) or Section 309 of the Clean Air Act, and being a cooperating agency does not imply that EPA will necessarily concur with all aspects of the EIS.

MAY 12 2015

EPA agrees to provide preliminary agency comments related to water, air resources and environmental justice issues. The USACE should ensure that information relevant for providing comments will be provided to the agency in a timely manner and with a level of detail sufficient to allow for meaningful feedback. EPA also agrees to participate in meetings and teleconferences to discuss important milestones, as resources allow.

We appreciate your coordination with us and look forward to reviewing the NEPA document for the proposed project. If you have any further questions or concerns, you may contact Ntale Kajumba from the NEPA Program Office at (404) 562-9620 or kajumba.ntale@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mueller', with a long horizontal flourish extending to the right.

Heinz J. Mueller, Chief
NEPA Program Office
Resource Conservation and Restoration
Division



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

October 9, 2015

REPLY TO
ATTENTION OF

South Mississippi Branch
Regulatory Division

SUBJECT: Department of the Army Application Number SAM-2009-01768-DMY,
Port of Gulfport Expansion Project

National Oceanic and Atmospheric
Administration
National Marine Fisheries Service
Southeast Regional Office
Protected Resources Division
263 13th Avenue South
St. Petersburg, Florida 33701-5505

Gentlemen:

The Port of Gulfport is requesting authorization from the Department of the Army to modify and expand the existing Port of Gulfport facilities. The project is located in the City of Gulfport near the intersection of U.S. Highway 90 and U.S. Highway 49, Section 9, Township 8 South, Range 11 West, Latitude 30.3557° North and Longitude 89.0977° West, Gulfport, Harrison County, Mississippi.

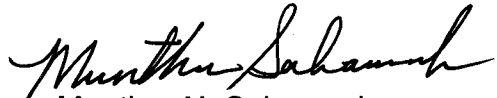
In accordance with legal requirements of Section 7(c) of the Endangered Species Act, as amended, and as outlined in the regulations governing interagency consultations (50 CFR §402.14), we would like to initiate formal consultation on the proposed project. Please find attached a copy of the biological assessment (BA) and a Section 7 Checklist prepared to support our determination. Based on the reasoning provided in the attached BA, we have determined the proposed project may affect the Gulf sturgeon (*Acipenser oxyrinchus desotoi*), and may adversely modify or destroy 282 acres of designated critical habitat for Gulf sturgeon. Based on the reasoning provided in the attached BA, we have determined the proposed project may effect, but is not likely to adversely affect the Kemp's ridley sea turtle (*Lepidochelys kempii*), Loggerhead sea turtle (*Caretta caretta*), Green sea turtle (*Chelonia mydas*), Leatherback sea turtle (*Dermochelys coriacea*), and Hawksbill sea turtle (*Eretmochelys imbricate*).

We respectfully request that Mr. Ryan Hendren be assigned the evaluation of this project as he has served as a commenter under a Cooperating Agency Agreement since April 11, 2011, and we feel that Mr. Hendren's continued involvement on the

project would allow for the greatest opportunity for a timely decision for all parties involved with this project.

We respectfully request a copy of the draft biological opinion prior to finalizing. We look forward to coordinating with you on this project. Please contact Mr. Phillip Hegji at (251) 690-3222 or by email at phillip.a.hegji@usace.army.mil if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Munther N. Sahawneh". The signature is fluid and cursive, with the first name "Munther" being more prominent than the last name "Sahawneh".

Munther N. Sahawneh
Chief, South Mississippi Branch
Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

October 9, 2015

REPLY TO
ATTENTION OF

South Mississippi Branch
Regulatory Division

Mr. Richard Hartman
National Marine Fisheries Service
Habitat Conservation Division
Louisiana State University
Military Science Building, Room 299
South Stadium Drive
Baton Rouge, Louisiana 70803-0508

Dear Mr. Hartman:

Pursuant to the requirements of the Magnuson–Stevens Fishery Conservation and Management Act, the U.S. Army Corps of Engineers (USACE), Mobile District has prepared a comprehensive Essential Fish Habitat (EFH) assessment, which assesses the potential impacts of the proposed expansion of the Port of Gulfport (Port) located in Harrison County, Mississippi. The proposed action is filling approximately 197 acres of the Mississippi Sound for the expansion of the Port of Gulfport and the dredging of approximately 9 million cubic yards of material. For a description of the entire PGEP, see Essential Fish Habitat (EFH) Assessment.

The dredge material from the expansion project will be placed within the Biloxi Marsh Complex (BMC) Beneficial Use Site (BU). If BMC is not available, other BU sites, or disposal area 10, littoral zone site, the U.S. Environmental Protection Agency (USEPA) designated Pascagoula Ocean Dredged Material Disposal Site (ODMDS) or the Harrison County Upland Disposal Site are the proposed back up sites for deposition of all materials.

Per your agency's May 11, 2010 letter, you requested that the Port undergo an alternatives analysis to evaluate avoidance and minimization. The Port has stated that it is unable to avoid filling waters due to its location in the Mississippi Sound; moreover, during the public involvement process the public has stated that it is opposed to the Port creating inland facilities. When National Marine Fisheries Service (NMFS) provided the aforementioned letter the Port was proposing the fill of 616 acres of waters and the dredging of 332 acres (ac) of water bottoms. As currently stated, the Port now plans to fill 197 ac of water bottoms and dredge 264 ac of water bottoms. Please note that of these 264 ac of dredging, 178.5 ac will be filled and 85.5 ac will become deeper open

water habitat; an additional 18 acres will be filled with rip-rap to develop the breakwater for the primary purpose of shoreline protection. To further minimize the impacts of the project, the Port has stated that it will place an additional 11.36 ac of rip-rap along the outer perimeter of the West Pier for a total of 29 ac of rip-rap. The rip-rap would create a tiered habitat that would help offset the elimination of the current substrate and would be more readily utilized than the water bottoms currently onsite.

Please read the attached Draft EFH Assessment dated September 2015. Of interest is the lack of Habitat Areas of Particular Concern in the study area and that the habitat proposed to be filled is classified as open bay bottom habitat and open water. There are no Environmental Protection Agency special aquatic sites in the project footprint. While the Port does propose to fill 197 ac of open bay water bottoms/open water, it should be noted that Mississippi Sound contains approximately 452,000 acres of open-bay bottom habitat. Filling 197 ac of said habitat would account for approximately 0.04 percent of the total habitat type.

You have requested that the applicant consider the creation of approximately 200 ac of marsh in the formerly open waters of the BMC to offset the impacts to EFH functions and services associated with the possible expansion of the Port. However, based upon a report that the National Oceanic and Atmospheric Administration (NOAA) provided to the U.S. Army Corps of Engineers (USACE) on February 25, 2015 the state of Louisiana is eroding at a rate of 16 mi² per year. You are proposing the creation of 0.3125 mi² of marsh off the coast of Louisiana that would need to be monitored for at least 10 years. We do not feel that the creation of marsh is appropriate when the resource that the Port is proposing to impact, open bay waters and waterbottoms in the Mississippi Sound, is naturally being created at 50 times that rate.

You have provided a study; *Nekton Densities in Shallow Estuarine Habitats of Texas and Louisiana and the Identification of Essential Fish Habitat* (Minello 1999) which forms the basis of your replacement ratio of 1:0.5. We have concerns over the rationale to utilize this paper as the basis for this ratio. This paper does not sample the type of habitat proposed to be impacted, open bay bottoms/open water along the central Mississippi coast, or the habitat proposed to be created marsh in the BMC or possibly along the central Mississippi coast. The Port project occurs in waters 10 to 36 feet deep. The closest Minello comes to sampling this habitat type occurs in what is labeled "Shallow nonvegetated bottom (SNB)". SNB is "generally restricted to water <1m deep" which does not seem to fit the depths of the Port's project previously mentioned. The geographic extent of Minello's study ranges from south Texas to south of New Orleans, but not in the Mississippi Sound. It would appear that Minello is stating that it could be difficult to generalize his findings into other habitat types than what he studied which is summed up by Minello as "Similar comparative studies are needed for other habitats".

Based on the above information, the USACE, Mobile District has determined that the proposed action at the Port of Gulfport is not likely to adversely affect EFH. We would request your concurrence with our determination on this matter. Your cooperative

support of this activity, in accordance with the Magnuson–Stevens Fishery Conservation and Management Act, is greatly appreciated.

We look forward to coordinating with you on this project. Please contact Philip Hegji at (251) 690-3222, or by e-mail at philip.a.hegji@usace.army.mil if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Munther N. Sahawneh". The signature is written in a cursive style with a large, stylized 'M' and 'S'.

Munther N. Sahawneh
Chief, South Mississippi Branch
Regulatory Division

Enclosures

Appendix H2

Scoping Meeting 2011



REPLY TO
ATTENTION OF:

**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

March 11, 2011

Coastal Branch
Regulatory Division

PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
MOBILE DISTRICT**

**SCOPING MEETING
FOR THE
PROPOSED PORT OF GULFPORT EXPANSION PROJECT, HARRISON COUNTY,
MISSISSIPPI
ENVIRONMENTAL IMPACT STATEMENT**

TO WHOM IT MAY CONCERN:

Notice is hereby given that the U.S. Army Corps of Engineers, Mobile District has scheduled a public open house and scoping meeting on March 31, 2011, at the University of Southern Mississippi, 730 East Beach Boulevard, Long Beach, Mississippi, 39560, at the Fleming Education Center Auditorium. The open house will begin at 5:30 pm followed by a formal presentation at 6:30pm. Comments will be excepted at the meeting until 8:00 pm.

The purpose of the meeting is to receive public input concerning the scope and alternatives to be considered in the Environmental Impact Statement (EIS) for the Department of the Army Permit Application **SAM-2009-1768-DMY** for the Port of Gulfport Expansion Project, Harrison County, Mississippi. The Corps is the lead federal agency with the responsibility of evaluating the environmental impacts of the proposed project for the applicant, the Mississippi State Port Authority, and is preparing the EIS in accordance with National Environmental Policy Act requirements. The Mississippi Development Authority will be a cooperating agency in preparing the EIS, and the National Marine Fisheries Service has expressed interest in acting as a cooperating agency.

The proposed project as described in the permit application which was filed on March 17, 2010, included filling approximately 700 acres of open-water benthic habitat. Since submitting the application, Mississippi State Port Authority has modified the proposed project footprint to reduce the overall potential fill required for implementation and to avoid impacts to the Gulfport Harbor Federal Navigation Channel and Turning Basin. The revised proposed project involves filling of up to 400 acres of open-water bottom in the Mississippi Sound; the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, dredging and dredged material disposal, and infrastructure; and construction of a breakwater of approximately 4,000 linear feet.

The meeting agenda includes an open house with opportunities for discussions with project personnel, followed by staff presentations and a comment session. Court reporters will be available to transcribe statements from those wishing to provide verbal comments, or attendees may submit written comments at the meeting or via mail through the end of the official comment period (see below). All interested

individuals are invited to attend. Translations services for Spanish and Vietnamese speakers will be provided.

Written comments can also be faxed to (251) 694-4191, emailed to the project at port.gulfporteis@usace.army.mil, or mailed to: Mr. Damon M. Young, P.G. USACE - Mobile District, Post Office Box 2288, Mobile, Alabama 36628. To comment online, visit the project website at <http://www.portofgulfporteis.com/>. The deadline for submitting scoping comments was initially set for April 11, 2011; however, by issuance of this public notice the comment period has been extended to April 14, 2011.

FOR FURTHER INFORMATION CONTACT: For information about this project, to be included on the mailing list for future updates and meeting announcements, or to receive a copy of the draft EIS when it is issued, contact Damon M. Young, P.G., at the USACE at (251) 690-2658 or the address provided above. Mr. Ewing Milam, at the MDA can also be contacted for additional information at P.O. Box 849, Jackson, Mississippi, 39205-0849, telephone (601) 359-2157 or by electronic mail at emilam@mississippi.org.

For additional information about our Regulatory Program, please visit our web site at: www.sam.usace.army.mil/rd/reg and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.
2. If approved, the action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Base Supply Center, Rock Island Arsenal, 3154 Rodman Avenue, Rock Island, IL.

NPA: Association for Retarded Citizens of Rock Island County, Rock Island, IL.

Contracting Activity: DEPT OF THE ARMY, SR W0K8 USA ROCK ISL ARSENAL, ROCK ISLAND, IL.

Service Type/Location: Base Operations Support, Mark Center Campus, Alexandria, VA.

NPA: Service Source Inc., Alexandria, VA (prime); CW Resources Inc., New Britain, CT (subcontractor); Able Forces, Front Royal, VA (subcontractor).

Contracting Activity: Department of Defense, Acquisition Directorate, Washington Headquarters Service, Washington, DC.

Service Type/Location: Central Issue Facility Service, Fort Hood, TX.

NPA: Skookum Educational Programs, Bremerton, WA.

Contracting Activity: Department of the Army, Mission & Installation Contracting Command Center, Fort Sam Houston, TX.

Service Type/Location: Mail Management Support Service, Philadelphia Naval Business Center, Official Mail Center Carderock, Philadelphia, PA.

NPA: NewView Oklahoma, Inc., Oklahoma City, OK (prime); ServiceSource, Inc., Alexandria, VA (subcontractor); Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering

Station, Official Mail Center Carderock, West Bethesda, MD.

NPA: NewView Oklahoma, Inc., Oklahoma City, OK.

Contracting Activity: Department of the Navy, Commander, Fleet and Industrial Supply Center, San Diego, CA.

Deletion

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for deletion from the Procurement List.

End of Certification

The following service is proposed for deletion from the Procurement List:

Service

Service Type/Location: Recycling Service, Veterans Affairs Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS.

NPA: Goodwill Industries of Mississippi, Inc., Ridgeland, MS.

Contracting Activity: Department of Veterans Affairs, NAC, Hines, IL.

Patricia Briscoe,

Deputy Director, Business Operations.

[FR Doc. 2011–5616 Filed 3–10–11; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, March 16, 2011; 10 a.m.–11 a.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED:

Compliance Status Report

The Commission staff will brief the Commission on the status of compliance matters. For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION:

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product

Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: March 8, 2011.

Todd A Stevenson,
Secretary.

[FR Doc. 2011–5777 Filed 3–9–11; 4:15 pm]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare an Environmental Impact Statement for the Port of Gulfport Expansion Project, Harrison County, MS (Department of the Army Permit Number SAM–2009–1768–DMY)

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers, Mobile District (USACE) announces its intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA). As part of the NEPA process, the Mississippi Development Authority (MDA) will be a cooperating agency in the preparation of the EIS. The National Marine Fisheries Service (NMFS) has expressed interest in acting as a cooperating agency in the preparation of the EIS.

The proposed project as described in the application filed on March 17, 2010, proposed filling approximately 700 acres of open-water benthic habitat. Since submittal of the application, the proposed project footprint has been modified by the MSPA to reduce the overall potential fill required for implementation and to not include any impacts to the Gulfport Harbor Federal Navigation Channel or Turning Basin. The currently proposed project involves filling of up to 400 acres of open-water bottom in the Mississippi Sound, the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, dredging and dredged material disposal and infrastructure, and construction of a breakwater of approximately 4,000 linear feet. The proposed expanded port facility will be elevated 25 feet above sea level to provide protection against future tropical storm surge events.

The EIS will evaluate the potential impacts of the proposed project, connected actions, and alternatives. The

EIS will also assist the USACE in deciding whether to issue a Department of the Army permit.

The purpose of this Notice of Intent (NOI) is to inform and educate the public of the proposed project; invite public participation in the EIS process; announce the plans for a public scoping meeting; solicit public comments for consideration in establishing the scope and content of the EIS; and provide notice of potential impacts to open-water benthic habitats.

DATES: A scoping meeting will be held on March 31, 2011. Comments will be accepted in written format at the scoping meeting or via mail/e-mail until April 11, 2011, to ensure consideration. Late comments will be considered to the extent practicable.

ADDRESSES: The scoping meeting will be held at the Fleming Education Center Auditorium at the University of Southern Mississippi's Gulf Park Campus, 730 East Beach Boulevard, Long Beach, Mississippi. Written comments regarding the proposed EIS scope should be addressed to Mr. Damon M. Young, P.G. USACE, Mobile District, Post Office Box 2288, Mobile, Alabama 36628. Individuals who would like to electronically provide comments should contact Mr. Young by electronic mail: port.gulfporteis@usace.army.mil.

FOR FURTHER INFORMATION CONTACT: For information about this project, to be included on the mailing list for future updates and meeting announcements, or to receive a copy of the DRAFT EIS when it is issued, contact Damon M. Young, P.G., at the USACE at (251) 690-2658 or the address provided above. Mr. Ewing Milam, at the MDA can also be contacted for additional information at P.O. Box 849, Jackson, Mississippi, 39205-0849, telephone 601.359.2157 or by electronic mail at emilam@mississippi.org.

SUPPLEMENTARY INFORMATION:

1. *Background:* The Gulfport Harbor Navigation Project was adopted by the River and Harbors Act approved on July 3, 1930 (House Document Number 692, 69th Congress, 2nd session) and the River and Harbors Act approved on June 30, 1948 (House Document Number 112, 81st Congress, 1st session). Construction of the existing Gulfport Harbor commenced in 1932 and was completed in 1950. Authorization to conduct improvements to the existing harbor was issued in the Fiscal Year 1985 Supplemental Appropriations Act (Public Law 99-88). The Water Resources Development Acts (WRDAs) 1986 and 1988 further modified the previous authorization to cover widening and deepening and thin-layer

disposal, respectively. The authorized deepening was completed in 1993. Currently, there is an ongoing Federal action to widen the channel to the Federally authorized dimensions of 300 feet in the Mississippi Sound Channel and 400 feet in the Bar Channel. A Department of the Army Permit MS96-02828-U was issued in 1998 authorizing an 84-acre expansion to fill the West Pier to construct new tenant terminals and infrastructure. Phases I and II are currently under construction. Phase III is expected to begin in late 2011.

On August 29, 2005, Hurricane Katrina made landfall on the Mississippi Gulf Coast, resulting in one of the most significant natural disasters in the United States. The Port of Gulfport was severely impacted by the storm. The electrical power supply, roads, water, sewer, rail, small craft harbor fendering systems, navigational aids, and lighting and security systems were all destroyed or damaged beyond repair. According to the MSPA, the Port is currently operational at this time but it is not capable of withstanding another major hurricane without significant rehabilitation.

2. *Location:* The proposed Port of Gulfport Expansion Project is located in the City of Gulfport, Harrison County, Mississippi. The proposed project is approximately 80 miles west of Mobile, Alabama, and 80 miles east of New Orleans, Louisiana. The Port encompasses approximately 184 acres and is located within 5 miles of the Gulf Intracoastal Waterway (GIWW) and approximately 7 miles south of Interstate Highway 10.

3. *Work:* The proposed project involves filling of up to 400 acres of open-water bottom in the Mississippi Sound, the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, dredging and dredged material disposal and infrastructure, construction of a breakwater of approximately 4,000 linear feet, and may include additional improvements identified at the public scoping meeting. The proposed expanded port facility will be elevated 25 feet above sea level to provide protection against future tropical storm surge events. A Department of the Army permit is required for the proposed project, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1251), Section 10 of the River and Harbors Act (33 U.S.C. 403), and Section 103 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401-1445, 16 U.S.C. 1431 *et seq.*, also 33 U.S.C. 1271).

An Environmental Impact Statement (EIS) will be prepared pursuant to the

National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Council on Environmental Quality NEPA regulations (40 CFR parts 1500-1508) to assess the potential environmental impacts associated with the construction and operation of a project proposed by the Mississippi State Port Authority (MSPA).

4. *Need:* According to the MSPA, this project will enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations. This project is needed to expand the Port's current footprint, which will include the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, dredging and dredged material disposal and infrastructure. Specific alternatives will be developed as part of the EIS process and feedback provided during project scoping.

5. *Affected Environment:* Environmental characteristics that may be affected by the proposed project include geological, chemical, biological, physical, socioeconomic, and commercial and recreational activities. Offshore, the navigation channel extends 20 miles south into the Gulf of Mexico, passing close to the western end of Ship Island. On-shore, the regional environment is characterized as Coastal Lowlands, and the shore area, where not developed, consists typically of gently undulating swampy plains. The beach area is man-made and bordered by constructed seawalls. The existing Port, as part of the man-made environment of Gulfport, is constructed on fill material. The Gulfport area is well developed. Beyond the seawalls are extensive commercial and residential developments. The near-shore area is known for its valuable resources as a productive fishery and is also utilized extensively for commercial and recreational shipping and boating.

6. *Applicable Environmental Laws and Policies:* The proposed project could result in both beneficial and negative environmental impacts. These impacts will be evaluated in the EIS in accordance with applicable environmental laws and policies, which include NEPA; WRDA; Endangered Species Act (ESA); Clean Water Act; Clean Air Act; U.S. Fish and Wildlife Coordination Act; National Historic Preservation Act; Coastal Barrier Resources Act; Magnuson-Stevens Fishery Conservation and Management Act; Coastal Zone Management Act; Marine, Protection, Research, and Sanctuaries Act; Rivers and Harbors

Act; National Marine Sanctuaries Act; Fishery Conservation Act; Marine Mammal Protection Act; Executive Order 12898, Environmental Justice in Minority Populations and Low-Income Populations; Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risk (among other Executive Orders); and Ports and Waterways Safety Act.

7. Preliminary Identification of Environmental Issues: The following list of nine environmental issues has been tentatively identified for analysis in the EIS. This list, which was developed during preliminary internal scoping, has been included with the permit application filed for the proposed project. This list (and information from similar projects) is neither intended to be all inclusive nor a predetermined set of potential impacts, but is presented to facilitate public comment on the planned scope of the EIS. Additions to or deletions may occur as a result of the public scoping process. Preliminary identified environmental issues include but are not limited to the loss of aquatic resource (impact to potential submerged and shoreline aquatic habitat); water quality, coastal zone consistency, hydrodynamic modeling, threatened and endangered species (including critical habitat and essential fish and shellfish habitat), air quality, alternatives, secondary and cumulative impacts, socioeconomics, and mitigation.

8. Scoping meeting: To ensure that all of the issues related to this proposed project are addressed, the USACE will conduct a public scoping meeting in which agencies, organizations, and members of the general public are invited to present comments or suggestions with regard to the range of actions, alternatives, and potential impacts to be considered in the EIS. The scoping meeting will be held at the Fleming Education Center Auditorium at the University of Southern Mississippi's Gulf Park Campus, 730 East Beach Boulevard, Long Beach, Mississippi, on March 31, 2011. The scoping meeting will begin with an informal open house from 5:30 p.m. to 6:30 p.m. followed by a formal presentation of the proposed action and a description of the NEPA process. Comments will be accepted following the formal presentation until 8 p.m. Displays and other forms of information about the proposed action will be available, and the USACE, the MSPA and the MDA personnel will be present at the informal session to discuss the proposed project and the EIS Process. The USACE invites comments on the proposed scope and content of the EIS

from all interested parties. Verbal transcribers will be available at the scoping meeting to accept verbal comments following the formal presentation until 8:00 p.m. A time limit will be imposed on verbal comments.

9. DRAFT EIS: It is anticipated that a DRAFT EIS will be made available for public review in late calendar year 2011 or early 2012.

Dated: February 24, 2011.

Craig J. Litteken,
Chief, Regulatory Division.

[FR Doc. 2011-5672 Filed 3-10-11; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF EDUCATION

Credit Enhancement for Charter School Facilities Program; Office of Innovation and Improvement; Overview Information; Credit Enhancement for Charter School Facilities Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2011

Catalog of Federal Domestic Assistance (CFDA) Number: 84.354A.

Dates:

Applications Available: March 11, 2011.

Date of Pre-Application Meeting: April 4, 2011 at 9:00 a.m., Washington, DC time.

Deadline for Transmittal of Applications: May 10, 2011.

Deadline for Intergovernmental Review: July 9, 2011.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: This program provides grants to eligible entities to permit them to enhance the credit of charter schools so that the charter schools can access private-sector and other non-Federal capital in order to acquire, construct, and renovate facilities at a reasonable cost. Grants awarded under this program will be of sufficient size, scope, and quality to enable the grantees to implement effective strategies for reaching this objective.

Priorities: This competition includes one competitive preference priority and one invitational priority that are explained in the following paragraphs. In accordance with 34 CFR 75.105(b)(2)(ii), the competitive preference priority is from the regulations for this program (34 CFR 225.12).

Competitive Preference Priority: For FY 2011 and any subsequent year in which we make awards from the list of

unfunded applicants from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 15 points to an application, depending on how well the application meets this priority.

This priority is:

The capacity of charter schools to offer public school choice in those communities with the greatest need for school choice based on—

(1) The extent to which the applicant would target services to geographic areas in which a large proportion or number of public schools have been identified for improvement, corrective action, or restructuring under Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA);

(2) The extent to which the applicant would target services to geographic areas in which a large proportion of students perform below proficient on State academic assessments; and

(3) The extent to which the applicant would target services to communities with large proportions of students from low-income families.

Invitational Priority: For FY 2011 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this priority a competitive or absolute preference over other applications.

This priority is:

Applications that propose a grant project that uses competitive market forces to obtain the best rates and terms on financing for charter schools in order for the charter schools to acquire, construct, and renovate facilities while using the least amount of grant funds.

Program Authority: 20 U.S.C. 7223–7223j.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations for this program in 34 CFR part 225.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration's budget request for FY 2011 does not include funds for this

Port of Gulfport Expansion Project - Scoping Meeting Comments Summary - March 2011

Commenter	Category	Comment
Reilly Morse	No Response Needed	Requests a change of venue for the public scoping meeting held on March 31, 2011.
Howard Page	Socioeconomics	What is the number and types of jobs expected for final build out?
	Socioeconomics	Are these job numbers available in the economic study that you will be starting or are they presently available?
	Socioeconomics	Has the economic study started yet? Who is doing the economic study? When will the results be available?
	Socioeconomics	Can you provide an estimate of jobs that may be created during the construction phase?
John Harral		Would like to stay informed about the progress of the project. / Add to mailing list. / Prefers electronic communication
	Not Applicable	There should be a new connector road to move the trucks away from the Port directly to the Interstate.
	Not Applicable	The connector road and the railroad need to be over Highway 90 to avoid the Highway 90 traffic.
Howard Newby		Would like to stay informed about the progress of the project. / Add to mailing list. / Prefers paper mailings.
	Air Quality	Concern over carbon emissions from trucks, trains, and ships.
	Aquatic Ecology / Wetlands and Submerged Aquatic Vegetation	Concern over invasive species destroying the marine habitat.
	Socioeconomics	Concessions that foreign countries control using their own people causing American job losses.
	Geology / Physiography, Topography, and Bathymetry	Island subsidence caused by dredging.
	Water Quality	Pollution of Mississippi Sound by large container ships.
Gulf Restoration Network	Socioeconomics	Estimated growth in the cargo container market is unlikely to occur at the rates predicted due to increased transportation costs and other economic conditions.
	Socioeconomics / Community Infrastructure and Municipal Services	Gulfport lacks the high-capacity, high-volume railway lines needed to efficiently ship large amounts of goods into interior states and the nearby population alone is not large enough to economically support an expanded cargo port.
	All Applicable Resources	Dredging a ditch for navigation through 400 acres of ocean bottom in Mississippi Sound could have significant negative impacts on sedimentation, channel shoaling, beach erosion, coastal wildlife (shrimp and oysters) along with endangered species like the Gulf sturgeon, the health of the water in the Sound, and the families who rely on the Sound for their livelihoods and recreation.
	Air Quality / Sea Level Rise / Roadway Traffic / Community Infrastructure and Municipal Services	This project could pollute the air, contribute to sea level rise and global warming, and significantly increase road and train traffic in surrounding communities.
	Socioeconomic	Minority and low-income communities in and around Gulfport that have already borne the brunt of development, pollution, and poverty should not be asked once again to sacrifice their health and security.
	No Response Needed	They provide a list of 8 different alternatives to consider.
	Permits and Approvals Required / MPRSA	They expect that all environmental controls by state, local, and federal regulatory agencies will be implemented.
	Alternatives	All alternatives to include recently approved projects to continue (84-acre permitted fill project and 25 feet port elevation project).
Steve Shepard	Alternatives	Expansion project proposes to dredge the ship channel and dispose of spoil increasing the already destructive channel size and potential for erosion and magnifying storm surge damage during hurricanes.
	Not Applicable	Any expansion of the channel only magnifies the saltwater intrusion problem, elimination of freshwater wells, damage to the estuary's biotic communities.
	Not Applicable	What about the Gulfport ship channel is different and less potentially destructive than the Mississippi Gulf Outlet Canal?

Port of Gulfport Expansion Project - Scoping Meeting Comments Summary - March 2011

Commenter	Category	Comment
	Alternatives / Wetlands and Submerged Aquatic Vegetation / Aquatic Ecology / Threatened and Endangered Species / Water Exchange and Inflows	The proposal to build a 25-foot tall island using soil barged in from who-knows-where is also a bad idea with magnified potential for hypoxia in near shore waters, a cutting off of currents and wave actions on a daily basis, a reduction of sea life and potential for seagrass beds and other healthy water bottoms.
	Wetlands and Submerged Aquatic Vegetation / Aquatic Ecology / Threatened and Endangered Species / Physiography, Topography, and Bathymetry	The existing man-made island has sifted the proliferation of natural biotic communities.
	Socioeconomics	The industrializing of the seashore at Highway 49, usually the entry point for tourists and the source of half of the current harbor's economic gain from the Island View Casino, will be severely disrupted and should discourage this plan's implementation or the Corps agreement to approve it since the loss of revenue could easily outstrip any slight gains from the enlarged terminals for off-loading produce/merchandise.
	Socioeconomics	Tourism has become, since legalized gaming, a resource of singular importance and this harbor's expansion with nothing but ship offloading - something carried out in Pascagoula, New Orleans, Mobile, Pensacola - precludes and prevents the healthy maintenance and expansion of tourism on this coast.
	Roadway Traffic / Socioeconomics	The industrializing of this area is not justified by the premise that this port will successfully gain enough new business to offset the economic declines caused by its unattractive and unhealthy environment making tourism unlikely and causing coastal transit far more difficult to tourists.
	Roadway Traffic / Socioeconomics / Air Quality / Community Infrastructure and Municipal Services	The road-building and railroad expansions so that hundreds of trucks and numerous locomotives can drive through from interstates and rail spurs to the port offer no only a tremendous impediment to visitation and tourism, but pour unacceptable pollutants from diesel engines and bunker fuel on ships into the community and into the lungs of visitors coming for clear skies and pristine vistas where ever possible.
	All Applicable Resources	The EIS must include all aspects of the change being wrought on this area - not just dredging and filling, but road-building, rail expansion, the inland port location, the racial justice implications of MDOT routes, whether or not the roads and rail are elevated, air pollution from ships in port or automobiles or from the coal-fired power plant located nearby which supplies electricity to ships tied at the dock.
	Air Quality	As for the air pollution magnified through so many diesel trucks, so many diesel locomotives, so many ships burning bunker fuel: The requirement for allowing this expansion to take place - should this project go forward - should emphatically and absolutely require only the properly maintained diesel trucks and diesel locomotives with only the latest and best pollution control devices installed and using only diesel fuel refined so that sulfur and other pollutants are minimized when burned.
	Air Quality	Ships approaching the Gulfport ship channel should switch to cleaner fuels fifty miles from port - as required in the Los Angeles port to help lower the amount of pollution released in this community.
	Roadway Traffic	The roads should not be elevated and the inland port should be placed above I-10 so that survival in serious hurricanes can more realistically happen.
	Road Traffic / Socioeconomics	Approaches to this port from the north by rail and road ought to take into account the economic status of communities with the roads avoiding economically challenged communities as often as these corridors will avoid wealthy neighborhoods.

Port of Gulfport Expansion Project - Scoping Meeting Comments Summary - March 2011

Commenter	Category	Comment
Maxine Ramsay	Introduction, Purpose and Need	There needs to be an EIS complete comprehensive report on the project.
	Socioeconomics	Spending \$570 million dollars on a project to create less then 600 projected jobs seems to be out of proportion.
	Not Applicable	On dredging the ship channel, where will the spoils be placed?
	Wetlands and Submerged Aquatic Vegetation	How will the expansion adversely affect grass beds and wetlands?
	Socioeconomics	How will the expansion adversely affect tourism industry, shrimping and seafood industry, charter boat and fishing industry?
	Noise	How will the noise problem be solved?
	Air Quality	How will the air pollution from diesel engines be remedied? On the West coast, other ports have emission control on diesel trucks. What is the ports stand on this potential problem?
	Air Quality	How will the air pollution from ships be monitored? Will small planes be used to monitor ships due to excessive speed as other ports do?
	Roadway Traffic	How will trucks be monitored in reference to route, volume and time of day travel?
Julia O'Neal	Community Infrastructure and Municipal Services / Roadway Traffic / Socioeconomics	Even though the HUD CDBG money will not be used to expand the rail lines—the railroads have promised to fund that themselves—the impact of the noise, the separation of traffic, and especially the damage to the culturally important Turkey Creek community, must be considered.
	Socioeconomics	What about the air pollution's effect on a disadvantaged community?
	Socioeconomics	Please address the question of environmental justice.
	Water Exchange and Inflows	The impact of the Port's dredging design that fosters stagnant water without circulation must be considered. What will this do to the barrier islands?
	Geology / Physiography, Topography, and Bathymetry	The Corps is working on fortifying the barrier islands. Will this deep dredging compromise the saving grace that the shallow Mississippi Sound behind the barrier islands offers to storm surges?
	Alternatives / All Applicable Resource Impacts	Where will the dredging spoils be deposited and what effect will that have?
	Wetlands and Submerged Aquatic Vegetation / Aquatic Ecology	What effect will both the activity of building this modern gargantuan port (in a place where no port was intended by nature—Pascagoula is a more natural port) and its operation have on the oyster and shrimp crop, on the sea grass beds?
	Air Quality / Water Quality	What about the effects of bunker diesel on the Gulf waters? Even if San Diego-type rules for shutting off the dirty engines 50 miles offshore are in place (and enforced), more traffic will mean more bunker fuel waste discharged. And when the ships are cold ironing they will have to use electricity from Plant Watson, an obsolete polluting dirty coal plant.
	Water Quality	If non-point source pollution from oil leaks by cars onto Walmart parking lots is something we talk to our children about, what about the oil from all the big equipment activity on this elevated artificial Port? Every rain is a non-point source pollution event into the waters of the already polluted Gulf.
	Socioeconomics	The Port Authority of Gulfport is known to have had only one woman and only one person of color on the board in all its years of existence, so it is unlikely to further environmental justice in its future operations. The Corps owes it to the source of funds to prove that enough jobs will be created IN THE COMMUNITY to justify the expenditure.
	Socioeconomics	Even more to the point, but perhaps not addressable in the EIS, the overall cost-benefit of this expansion, even for the Port itself, has not been studied. There has been no examination of the business plan. Will the investment of \$600 million into the Port provide at least a 4% per year return, as it would if invested in a ladder portfolio of U.S. Treasury bonds? The Mississippi Development Authority must justify expenditure on the Port by proving that it will provide jobs for the community. The Port Authority itself has not proven that the contemplated expansion is a good investment in the first place.

Port of Gulfport Expansion Project - Scoping Meeting Comments Summary - March 2011

Commenter	Category	Comment
Howard Newby		Would like to stay informed about the progress of the project. / Add to mailing list. / Prefers paper mailings.
	Not Applicable	Wants the EPA to do and EIS not just the USACE before the port becomes a reality.
	Air Quality / Socioeconomics	Concerned about the minority neighborhoods exposure to CO2 et al.
	Aquatic Ecology	Concerned about invasive species from ships destroying oystering, shrimping, and professional fishing.
	Air Quality	Concerned that the trucks, trains, and ships will add to climate change.
	Geology / Physiography, Topography, and Bathymetry	What impact will dredging have on barrier island subsidence?
	Socioeconomics	How can you speculate so many jobs when most are not directly attached to the port (motels, restaurants, etc.)?
	Socioeconomics	China has a huge interest in the concessions being offered. How do we know that she (?) wont use her own (engineers, technicians, etc.)?
Randy Magee	Roadway Traffic / Community Infrastructure and Municipal Services	Why not build a maglev overhead 'rail' conveyor system to the inland port being developed at canal road and I-10?
Patrick Hughes	Not Applicable	I understand that the funding has not been released from DHUD to the MSPA or MDA (not sure which entity actually receives the funds). Are you expecting the funds to be released very soon? In other words, in the next week or two?
Carol Campbell	Socioeconomics	The EIS must include the question of whether the real number of jobs the port expansion brings will actually be worth all of the costs associated with it for the people of Gulfport.
	Socioeconomics	Automation is a notorious job-killer. It must be studied whether the promised jobs will actually materialize as forecasted at this time.
	Socioeconomics	The scope of the EIS needs to cover whether our workforce can meet the requirements of the expanded Port and, if not, consider ways of providing job training for local people to do these jobs, rather than having workers recruited from other parts of the country.
	Socioeconomics	The EIS might also consider what tourism jobs could be taken away or never manifested as Gulfport becomes a less desirable destination. These questions concerning the ports' effects on tourism must be considered in the EIS.
	Air Quality	Expanded rail, truck and ship transport running primarily on diesel, ships run on bunker diesel. Fuel switching for these boats should be required, from bunker diesel to lighter forms as ships approach the port.
	Air Quality	Trains coming through are going to be heavy and fast, long chains of double-stacked containers filled with freight coming through Gulfport at 49 MPH running on heavy diesel fuel. The trucks passing in and out at the rate of some 5,500 per day hauling heavy containers will also run on diesel.
	Air Quality	The particulate matter resulting from the burning of diesel for ship, truck and rail transport will inevitably increase Gulfport's air pollution several-fold.
	Air Quality	What tourist is going to want to come to Gulfport and endure the smells and pollution of this proposed industrial development if air pollution is allowed to proliferate?
	Noise / Air Quality / Roadway Traffic / Socioeconomic	It must be considered in the EIS that the noisy, smelly, and dirty traffic will severely impair their quality of life as well as lower their property values.
	Roadway Traffic / Community Infrastructure and Municipal Services	With the expansion, the port will be designed with "concessions" in mind, so that new future clients will add themselves on to the expanded port. The more clients eventually connect with the port, the larger it will eventually grow-which means it could eventually be bigger by far than what the maps are forecasting for the public at this time. What this sounds like is potentially an ever-increasing flow of truck and rail traffic for the citizens of Gulfport and the Mississippi Gulf Coast to have to endure.
	Aquatic Ecology / Water Quality	Building a 25-foot tall island and expanding it outward in all directions would only increase the hypoxia in this part of the Sound because it will further impede the flow of water, and thus increase the hypoxia. The EIS must study and establish the extent to which this result can be expected if the port is expanded as now proposed.

Port of Gulfport Expansion Project - Scoping Meeting Comments Summary - March 2011

Commenter	Category	Comment
	Not Applicable	The even deeper dredging could increase storm surges. Mississippi Sound protects us from hurricanes; it must be considered in the EIS whether the increased dredging will compromise that valuable environmental service.
	Alternatives / Sediment Quality	The Corps say they want to build the islands up with the dredge spoil that will come from the bottoms below the port, but a lot of that could potentially be polluted, as it's sitting at the bottom of a shipping channel and receives diesel and cargo spills. I question whether it would be wise to restore our islands with potentially poisonous dredge spoil, and I advocate that that question be considered in the EIS.
	Aquatic Ecology / Water Quality	It must be considered what effect the bunker fuel used by these barges will have on our shrimp, oyster beds and other marine life - marine life that humans will eventually consume - as it either leaks directly into the water from the barges or else runs off the Port platforms during rainstorms.
	Socioeconomics	The scope of this EIS should include costs to the human community who will be most adversely affected by the construction of the proposed 310 connector road and additional rail lines, and with especial attention to the fact that these are African Americans who will bear these costs - when African Americans already disproportionately bear the burdens of American industrialism and resource extraction nationwide.
	Alternatives	As an alternative, why not simply restore the Port of Gulfport to its original state before Hurricane Katrina, meanwhile adding enhanced hurricane protection measures? Simply repairing the Commercial Small Craft Channel and Harbor should be considered as an alternative.
Patrick Hugues	Introduction, Purpose and Need / Alternatives	I am very interested to know what the expected time frame will be on the USACE decision for granting the permit for the expansion of the port at Gulfport, and how many acres will that expansion entail. How many cubic yards of fill are expected to be needed?
	Alternatives	Will the access to the port be dredged beyond the current 36' in order to be able to handle the new Panamax ships that will begin using the Panama Canal after its lock expansion is completed in 2014?
Wayne Watkins	Water Exchange and Inflows	Lack of free-water movement near the shore. The area west of the Port is already an area where water stagnates...and I feel the lack of a good thorough flow of water near the shore will just make the area west of the Port down to the West Side pier even more of a sewer. A nice huge drain pipe underneath the port near shore will aid in water flow.
	Roadway Traffic / Community Infrastructure and Municipal Services	With increased rail cargo, can we expect to sit in more traffic on the only one of two thorough east-west arteries?
Barney Creel	Not Applicable	There should be consideration to set up a campus on the coast and involve colleges to assist in the many different elements that are listed as concerns. Not only would you enable the port project to move forward but it would also establish a specialized educational institution on the Gulf Coast.
	Not Applicable	There has been many visits from universities in relation to the Oil Spill. It would seem that there would be the opportunity to merge oil spill environmental studies and research with Port initiatives.
	Not Applicable	Consideration for education related to tourism, hospitality, logistics, engineering, etc.... could also be beneficial.
Casey DeMoss Roberts	Socioeconomics	This entirely new infrastructure is to accommodate more and larger container ships in Gulfport. The MSPA has stated that this new infrastructure will bring in twenty times more containers to Gulfport, increasing the number of TEUs from 200,000 per year to 4 million per year.....However, it is not certain that larger container ships will decide to come to Gulfport, MS.
	Socioeconomics	The growth rate, the trend of the growth rate potential, will be significantly lower than it was six months to 12 months ago because growth and employment were artificially propped up and are not sustainable because we are just not going to see the same use of debt." The growth rate cited for the Gulf before the economic downturn, does not apply to the western Gulf ports (Gulfport, Manatee, Mobile, New Orleans, Tampa.

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	Socioeconomicsworld trade patterns will increasingly be hampered by the rising costs of transportation. In the November-December issue of Foreign Affairs magazine Levinson wrote "Companies that provide American and European Customers with goods made in Asia are rethinking their models and seeking ways to shorten the distance between the factory floor and the store shelf."
	Socioeconomics	The Mississippi Port Authority (MSPA) has stated that market growth combined with the expansion of the Panama Canal will bring more boats from Asian markets to the Gulf in general and to Gulfport in particular. However, this view is not widely accepted. Given that the Greater Gulfport region is substantially smaller than the Houston area, it is very questionable that the proposed port expansion would have the population to support it.
	Socioeconomics / Community Infrastructure and Municipal Services	The MSPA points to Gulfport's proximity to railways as an asset that will help the port attract barge traffic however, CSX spokesman Gary Sease, disagrees. He stated that CSX is working with ports and states on the East coast to eliminate barriers that limit overland traffic, like rail heights. An increase in East Coast traffic is expected from the Panama Canal expansion but the Gulf Coast is not expected to see a big increase.
	Socioeconomics / Community Infrastructure and Municipal Services	Key to big increases in the Gulf ports' share of Asia trade is reaching the interior markets of the U.S. Just because you have a rail line does not mean you can reach interior markets efficiently.
	Socioeconomics	The MSPA has claimed that dramatic population growth in the South will attract container cargo ships, however, the Greater Gulfport area would have to grow by over 1,700% to become a destination port.
	Not Applicable	The expanded Navigation Channel does not seem to have a maintenance plan. The MSPA has stated that the Port of Gulfport future plan is to "encourage USACE dredging of the navigation channel." This strategy raises many questions. First, will the Port have the financial ability to maintain the channel if the Corps declines responsibility? If not, then how will the channel be maintained? If the Corps decides to take on this responsibility, how will the Channel be managed? Will the Corps maintain this channel? And if yes, how will the Corps ensure that significant erosion does not occur like that which happened with the Mississippi River Gulf Outlet in Louisiana? How much business will the port have to grow to justify the cost to maintain the channel?
	All Applicable Resources	Direct, indirect, and cumulative impacts to the human and natural environment from the cargo port expansion and channel deepening will be significant, permanent, and negative.
	Mitigation	Mitigating for this damage will be difficult and expensive.
	Not Applicable	The EIS must address how the channel dredging and port expansion will impact each of these uses of the islands directly, indirectly, and cumulatively.
	Not Applicable	The USACE must analyze how the deeper and wider channel will impact the National Gulf Island Seashores, particularly Ship Island.
	Not Applicable	The USACE must also consider impacts to the Channel from the westward migration pattern of the barrier islands and how the westward migration of islands will impact channel maintenance.
	Physiography, Topography, Bathymetry / Geology / Socioeconomics	The MSPA states that the port expansion and deeper channel are part of the plan to "enhance Mississippi's standing in the global economy by repositioning the Port into a sustainable, world-class maritime facility for future generations." It is unclear how disrupting the natural migration process of the barrier islands fits into a picture of sustainability in the Mississippi Sound.
	Terrestrial Wildlife / Aquatic Ecology / Threatened and Endangered Species / Wetlands and SAV	The USACE must consider the impacts that increased ship traffic through the Navigation Channel will have on these sensitive species living in a National Park.
	Air Quality	The EIS must address the air quality issues from the proposed project and increased ship traffic will have on a federally protected park.

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	Geology / Soils / Salinity / Water Quality / Sediment Quality / Hydrology	The USACE should consider the following aspects of sedimentation for the deep-draft channel project: characteristics of the native soils or materials to be removed within the project channel; characteristics of sediments introduced into the upper reaches of the navigation project by riverine or other upland discharges; characteristics of sediments introduced into the lower reaches of the project by littoral processes, including wave action, resulting in beach erosion, and salinity intrusion; hydrodynamic and water chemistry conditions in the project region; and limitations or restrictions on dredging and dredged material disposal techniques and beach erosion control using sand bypassing methods.
	Alternatives / Soils	When considering maintenance dredging, the type of native soils must be considered.
	Geology	The USACE must consider sediments that will be deposited into the navigation project from the littoral systems.
	Geology	Will jetties be needed to trap the sands and keep shoals from forming in the navigation project?
	Geology / Physiography, Topography, Bathymetry	The Corps must study and develop predictions of erosion and accretion for a distance of 10 miles on either side of an entrance channel improvement project.
	Geology	The Corps must study the sediment budget and shoaling for before- and after-construction conditions. These studies are necessary for estimating maintenance dredging requirements, disposal area locations, training structures, and entrance sand-bypass assessment. Also, shoaling rates are needed for turning basins.
	Wetlands and SAV / Aquatic Ecology / Threatened and Endangered Species / Mitigation / Socioeconomics	The structural mitigation measures like revetments, breakwaters, or groins may impact Essential Fish Habitat (EFH), Submerged Aquatic Vegetation (SAVs), endangered species, eco-tourism, and aesthetics.
	Introduction, Purpose and Need / Socioeconomics	The Corps should analyze the cost of various methods of maintaining the beach and bay habitats and include this in the cost/benefit analysis.
	Wetlands and SAV	The EIS should determine how seagrass and other SAVs will be impacted by the proposed project.
	Introduction, Purpose and Need / Alternatives / Socioeconomic / Aquatic Ecology	The USACE must determine how the construction, new infrastructure, channel dredging and maintenance dredging, extra ship traffic and associated water quality contamination will impact commercial and recreational finfish and shellfish.
	Threatened and Endangered Species	The USACE must consider how many mammals could be lost to ship strikes due to an increased amount of ship traffic.
	Aquatic Ecology / Threatened and Endangered Species	Noise pollution from the increased shipping traffic will increase and could potentially harm marine species that rely on sound for their orientation, communication, and feeding.
	Aquatic Ecology	Ballast water, known to include plants, animals, viruses, and bacteria, often include non-native, nuisance, exotic species that can cause extensive ecological and economic damage to aquatic ecosystems.
	Not Applicable	The USACE must analyze what impact a deeper and wider navigation channel will have on salinity concentrations near the project area and how this potential change may impact water quality and the fauna and flora that depend on the current saline concentrations.
	Water Quality / Sediment Quality	With the increased number of container ships coming into Mississippi Sound, the amount of chemical contamination can also be expected.
	Aquatic Ecology	There must be active regulation of ships coming in to port over ballast and bilge water discharges.
	Water Quality	Stormwater run-off from the increased surface area of the port will increase and the Port should be mandated to do an anti-degradation review for the increase in stormwater runoff discharge.
	All Applicable Resources	The Mississippi Sound, coastal area, and barrier islands must be looked at as whole, because the area represents a rich and productive ecosystem working from a highly evolved interdependence between the physical, chemical, and biological worlds. The proposed project will be modifying all three components.

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	Geology / Water Exchange and Inflows	The EIS should conduct hydrodynamic modeling to determine impacts from tide heights (water levels), current velocities and duration, water circulation patterns, and shoaling and erosion near the channel and possible effects on adjacent shoreline resulting from changes in wave patterns.
	Water Exchange and Inflows	The EIS should conduct further hydrodynamic modeling to determine if the proposed project could increase the height and force of storm surge associated with hurricane events and other environmental problems that may come up during the maintenance of the channel.
	Water Quality / Cumulative Impacts	The EIS should included a thorough analysis of the potential of re-introducing BP oil into the water column, and the impact the development of the port may have on future restoration projects.
	Essential Fish Habitat	There are nine specific species along with Coastal Migratory Pelagics, Reef Fish, and Shrimp with EFH designated in the project area. The specific species with EFH that are likely to be adversely affected are Atlantic Sharpnose shark, Blacktip shark, Bull shark, Finetooth shark, Great hammerhead shark, Red Drum, Scalloped Hammerhead Shark, Spinner shark, and Stone Crab.
	Threatened and Endangered Species	The USACE must consider how the construction and maintenance of the navigation channel, expansion and construction activity for the port, and increased traffic and pollution will impact the Gulf Sturgeon, its migration needs, and its critical habitat.
	Air Quality	The EIS should analyze the direct, indirect, and cumulative impacts of construction equipment diesel and other air emissions on the surrounding neighborhood, including its vulnerable populations, such as the students at West Elementary, Anniston Elementary, Bayou View Elementary and Middle School, Central Elementary, Gaston Point Elementary, Pass Road Elementary, Twenty-Eighth St. Elementary, and Gulfport Central Middle School.
	Air Quality	The EIS should consider alternatives to decrease the air pollution including the use of biodiesel and ultra low-sulfur diesel in the alternatives analysis and other ways to reduce diesel emissions, such as limiting the idling of engines, using diesel oxidation catalysts and diesel particulate filters, and low emission shipping zones.
	Air Quality	The EIS should determine a baseline for air quality currently enjoyed near the proposed project.
	Commercial and Recreational Navigation	The EIS should consider the increase in marine accidents and casualties from the proposed project. The EIS should collect data from US Coast Guard marine accident records and compile casualty and accident statistics and accident data on existing navigation channel projects that are similar in size to the proposed project.
	Socioeconomics	Many businesses near the proposed project depend on a healthy, undisturbed eco-system. The coastal area is known for being a productive fishery and is used extensively for commercial and recreational fishing and boating and all the support services that rely on this business.
	Aquatic Ecology / Socioeconomics	The Mississippi Sound has a Recreation and Shellfish designated uses under the Clean Water Act. The Mississippi Sound is popular for swimming, windsurfing, motor boating, fishing, diving, and sailing.
	Cumulative Impacts	Cumulative effects should include those related to eco-system services, conservation, economics, aesthetics, environmental concerns, wetlands, cultural values, fish and wildlife values, protected species, flood hazards, flood plain values, land use, navigation besides large cargo ships, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food security, invasive species, designated uses, geomorphology, public health, and eco-tourism.
	Roadway Traffic / Air Quality	The EIS for the Gulfport project should review the increase in traffic on land form the increase in cargo transportation will contribute to longer waiting times for residents and poorer air quality from idling vehicles.
	Sea Level Rise / Air Quality (GHG)	The project is funded by United States Federal dollars and therefore, by law, must consider the project's impact on climate change.

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	Not Applicable	The EIS should determine how the deeper and wider navigation channel, increased ship traffic, water quality degradation, and larger port footprint will impact the MSCIP. If impacts to the MSCIP are found, then those impacts should be avoided or the MSCIP should be re-studied. The State of Mississippi, Department of Marine Resources, the USACE, Mobile District, and the DMR should consider if the plan is consistent with Mississippi Coastal Improvement Plan.
	Socioeconomic	The EIS must consider the population that will most directly be impacted and determine the risks to the population from the port expansion, increased traffic, increased air pollution, accidents, water pollution, etc. Further, the EIS should look at different segments of the population, like children, as it is known that children are more vulnerable to air pollution. Other vulnerable segments include the elderly, people with chronic respiratory disease, people with immune disorders, people without their own transportation, people with disabilities, and others.
	Alternatives	Gulf Restoration Network provides several alternatives they would like to be considered in the EIS including 1) Port restoration and hurricane protection; 2) Port revitalization; 3) no-expansion of the navigation channel; 4) no north harbor fill and cut; 5) no east pier expansion; 6) shipping storage area relocated to uplands; 7) administrative buildings are LEED-certified; 8) port leases include environmental controls; 9) no future concession; 10) no build.
	Mitigation	The public health and environmental impacts of the proposed project will likely be significant. To ensure the population is minimally impacted, mitigation should include a "Community Mitigation Trust Fund" based on the Los Angeles model that the Board of Harbor Commissioners approved in October 2010.
	Air Quality	Special air filters should be installed in all of the area schools to alleviate asthma linked NOx pollution from the Port. Outdoor air pollution will still need to be addressed as mentioned previously.
	Mitigation	Habitat that is destroyed must be replaced with like habitat, instead of allowing an offsetting enhancement or restoration of a wetland.
	Mitigation	What formula will be used to determine mitigation acreage?
	Mitigation	The applicant suggested management of coastal preserves for mitigation, however, management is not mitigation. The deployment of derelict vessels may not serve an equivalent ecological function within the near shore environment impaired by the proposed project. Creation of near shore reefs should look to replace reefs in historical locations in the sound.
	Introduction, Purpose and Need	Our legal research suggests that the USACE does not currently have proper Congressional approval for a deep-draft harbor and therefore, does not have the ability to authorize the deepening and expansion of the navigation channel nor, possibly, the expansion of the Port.
	No Response Needed	The set-up for the scoping meeting on March 30, 2011 caused people to feel that their comments were not important and several people at the meeting raised concerns about the process. Individuals submitting oral public comments were asked to speak one-on-one with one of two court stenographers, thus making it impossible for others at the meeting to hear their comments. Limiting the public's ability to hear others' comments also limits the public's ability to learn from and build upon others' comments.
	Not Applicable	The GRN has been informed that the Scoping meeting was not run by the USACE, but rather a controversial local law firm Balch and Bingham; a law firm that has represented polluters against local community members and non-profit organizations. Balch and Bingham should not be the go-between for the USACE and the public.
	No Response Needed	The USACE should be conducting the EIS scoping meetings and all other public meetings in-house. The USACE has the experience to conduct these meetings and has the perceived neutrality that is critical for this process. Also, future meetings with the public should be located in areas convenient to the impacted community.
The following are the same letter sent from the Gulf Restoration Network on behalf of:		
Casey Roberts	Socioeconomics	The estimated growth in the cargo container market is unlikely to occur at the rates predicted due to increased transportation costs and other economic conditions.
Jeannie Shepard	Community Infrastructure and Municipal Services / Socioeconomics	Gulfport lacks the high capacity, high-volume railway lines needed to efficiently ship large amounts of goods into interior states and the nearby population alone is not large enough to economically support an expanded cargo port.

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John Wiles III	All Applicable Resources	The dredging of a new, big ditch for navigation through 400 acres of ocean bottom in the Mississippi Sound could have significant negative impacts on sedimentation, channel shoaling, coastal erosion, coastal wildlife like shrimp and oysters along with endangered species like the Gulf Sturgeon, the health of water in the Sound, and the families who rely on the Sound for their livelihoods and recreation.
Matt Sukiennik	Air Quality / Sea Level Rise / Roadway Traffic / Community Infrastructure and Municipal Services	This project could pollute the air, contribute to sea level rise and global warming, and significantly increase road and train traffic in surrounding communities.
Rosemary Ward	All Applicable Resources	The Mississippi Sound, coastal area, and barrier islands must be looked at as whole, because the area represents a rich and productive ecosystem working from a highly evolved interdependence between the physical, chemical, and biological worlds.
Sally Morrow	Cumulative Impacts	The EIS should also look at secondary and cumulative effects - including those related to eco-system services, conservation, economics, aesthetics, environmental concerns, wetlands, cultural values, fish and wildlife values, protected species, flood hazards, flood plain values, land use, navigation besides large cargo ships, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food security, invasive species, designated uses, geomorphology, public health, and eco-tourism.
Erin Dallin	Alternatives	The EIS should address alternatives including: 1) alternative that would only include repairs to the existing port infrastructure including hurricane protection measures; 2) alternative that includes repairs to the Commercial Small Craft Channels and Harbor; 3) alternative that does not include an expansion of the navigation channel; 4) alternative that would exclude the North Harbor fill and eliminate the need for North Harbor cut; 5) alternative that would exclude the new East pier and revetment that would cross the Yacht Basin Channel; 6) alternative relocating store area to uplands and minimizing impacts to wetlands; 7) alternative in which new buildings are LEED-certified; 8) alternative in which Port lease include environmental controls; 8) alternative that would exclude the new 160 acre Concession pier and associated revetment; 9) and a no build alternative that analyzes the impacts of not moving forward with the project.
James Lazell		
Daryl Ross		
Tracy Gardner		
Johanna Beaudry		
Billy Wilkinson		
Mary Sciambra		
Mary Cuellar		
Mississippi Center for Justice	All Applicable Resources	The USACE must analyze all direct, indirect, and cumulative impacts of the project.
	No Applicable	NEPA requires that an EIS consider "connected" actions.
	Introduction, Purpose and Need / Cumulative Impacts	The Port of Gulfport Expansion Project, Port of Gulfport Rail Improvements, Port Connector Road, and the 84-acre Fill, Net Tenant Terminal and Infrastructure Project must be analyzed in a single EIS since those projects are connected action, and it would be illegal and illogical to analyze each component in isolation.
	Introduction, Purpose and Need / Cumulative Impacts	With respect to the Port of Gulfport Rail Improvements and Port Connector Road, the geographic scope of the USACE's review must be enlarged to include all neighborhoods (as far north as Hattiesburg in the case of the rail improvements) that will be potentially impacted by those project elements, including those neighborhoods located in the northern city limits of Gulfport, such as North Gulfport and Turkey Creek.
	Introduction, Purpose and Need / Cumulative Impacts	Because the Port of Gulfport Rail Improvements are "imperative" to the Port Expansion Project, the environmental analysis of the projects must be aggregated under HUD's regulations.
	Introduction / Cumulative Impacts	The EIS should also consider all foreseeable future developments on the north end of the Port. For example, STEPS is aware that MSPA is receiving proposal for large scale leisure and casino development at the north end of the harbor. Any and all impacts from this development, such as additional pollution impacts from cruise ships (air, wastewater, solid waste and traffic), must be described and analyzed in the DEIS.

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	Socioeconomic	Under guidance issued by the CEQ, NEPA analysis of the project must include, among other things: 1) consideration of the demographic composition of the area affected by the project; 2) review of health data addressing multiple or cumulative exposure to environmental hazards resulting from the project; and 3) recognition of social, economic and other factors that may amplify the environmental effects of the project. The DEIS must include a comprehensive environmental justice analysis of all of the potential impacts of the project.
	Socioeconomic	The DEIS must describe and fully analyze the environmental effects of the project on local minority and low-income communities, such as North Gulfport, Central Gulfport, the Quarters, Gaston Point, Villa del Rey, Rolling Meadows, Soria City, and Turkey Creek. The NEPA process must include opportunities for all such affected communities to provide input.
	Noise / Roadway Traffic / Air Quality / Socioeconomic	Increased emissions of air pollutants, noise, traffic, and blockages of access will likely occur on both sides of the communities divided by the Connector Road. The project will likely result in disproportionate adverse impacts to the minority and low-income communities adjacent to the Port of Gulfport Rail Improvements and Port Connector Road projects.... Among other things, strategic noise maps, noise conflict prevention and action plans, traffic studies, and air pollution analysis maps should be incorporated into the EIS.
	Air Quality / Socioeconomic	Construction of the 25-foot retaining wall will likely result in increased dust and air pollution pathways on roads that pass by environmental justice communities, including Highway 49, 30th Avenue, 28th Street, Canal Road, and Cowan Road. The NEPA process for the project should develop methods to maximize stakeholder engagement and create a community benefits plan along this corridor.
	Not Applicable	The EIS must also identify and analyze adverse impacts associated with construction and operation of an inland terminal which would be located on property adjacent to North Gulfport, as well as the temporary housing of containers at such an inland terminal.
	Socioeconomic	The project will also result in the elimination of a commercial small craft harbor used by local fishermen. The EIS should analyze the impacts of the elimination of this commercial small craft harbor, including how the elimination of the harbor will impact environmental justice communities, employment, and the local economy.
	Water Quality / Sediment Quality / Aquatic Ecology	The EIS must fully analyze all potential water quality impacts from the project, including but not limited to: 1) acute chemical toxicity; 2) increase of suspended sediments; 3) release of organic matter, nutrients and/or contamination; 4) turbidity; 5) smothering/removal of organisms; 6) bioaccumulation; and 7) alteration of the community structure and substance type.
	Aquatic Ecology / Water Quality / Hazardous Materials / Sediment Quality / Mitigation	The project includes filling at least 400 acres of water bottom involving extensive dredging and dumping of fill. The EIS must identify and analyze the environmental impacts of these activities in detail, including addressing the application of TMDL designations to the dredging projects. Also, the EIS must analyze potential contamination of fill dirt. The EIS should also analyze potential mitigation measures such as the creation of artificial reefs.
	Socioeconomic / Aquatic Ecology / Essential Fish Habitat	A decreased in water quality may impact low-income residents who fish for personal consumption from nearby piers and small craft. The project would likely impact subsistence seafood species (e.g. mullet, shrimp and crab). The EIS should include baseline studies and an ecosystem monitoring framework as part of the analysis of this issue. EFH consultations should also be considered.
	Threatened and Endangered Species / Mitigation	The EIS should include a robust analysis of the impacts to Gulf sturgeon, alternatives that would minimize these impacts, and mitigation measures aimed at eliminating the impacts.
	Water Quality / Water Exchange and Inflow / Sediment Quality / Aquatic Ecology	Water quality impacts, including the effects of wastewater and stormwater runoff, must be addressed in the DEIS. The DEIS should analyze the impacts of the project on water circulation patterns, dissolved oxygen levels, and sediment management. Mitigation measures, such as installation of subsurface grass beds should be considered.
	Air Quality / Cumulative Impacts	The DEIS must identify and analyze the project's potential direct, indirect and cumulative impacts on air quality. The DEIS would address impacts related to bunker fuel emissions from idling ships and trucks at the port, air pollution related to dust resulting from the construction of the 25-foot high wall in the west pier, and air pollution pathways from the delivery of fill dirt to build and expand the port.

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	Air Quality	The DEIS should examine methods to mitigate the increased air pollution resulting from the project. In particular, the DEIS must examine the feasibility of utilizing sustainable power for light, heating, and refrigeration at the port. Also examine the potential benefits resulting from installing energy efficient roofing on every structure that comprises the project. Other possible mitigation measures include electrification of port equipment (e.g. ship to shore cranes, refrigerated storage and drayage trucks), using cleaner fuels for trucks and ships, moving toward Tier 4 emission standards, reducing idling time, using auxiliary power units, retrofitting or replacing old engines, and using more automated operation.
	Air Quality (GHG)	The EIS must include a climate change adaptation plan to examine how to reduce the port's carbon footprint with the goal of ultimately rendering the port carbon neutral. MSPA should join the CCAP partnerships and incorporate CCAP's policies into port management and development.
	Air Quality	The EIS should address the effect of the project on the area's non-attainment status for all criteria pollutants under the federal CAA. This analysis, and the DEIS's general analysis of air quality impacts should also consider how the increased energy demands of the project, both during construction and operation, will result in increased emissions of pollutants/greenhouse gasses from local electric generating facilities.
	Mitigation	The EIS should address the potential loss of open space and public access to recreational features, such as piers, walkways, and beaches. Mitigation measures should include, among other things, offsets for any unavoidable reductions in open space and public recreational features.
	Mitigation	To the extent the project contemplates reusing dredged spoils on the barrier islands, such a proposal must be thoroughly analyzed before it is permitted.
	Hazardous Materials	Incorporate a management plan for the storage and handling of hazardous materials (e.g. sludge). To minimize and avoid contamination, all containers holding hazardous material should be spill proof.
	Aquatic Ecology	The EIS must analyze dock shading impacts on aquatic resources and discuss potential mitigation measures.
	Roadway Traffic / Noise / Air Quality / Socioeconomic / Community Infrastructure and Municipal Services	The EIS should analyze which transportation method results in fewer impacts from the standpoint of air, noise, traffic flows, and community disruption. The EIS should also examine the aggregate impacts from an increase in ships, dryage, port equipment, rail, and long haul trucking
	Roadway Traffic / Socioeconomic	The EIS would also analyze the impacts increased traffic and congestion resulting from the project will have on the local economy, including tourism and outdoor recreation.
	All Applicable Resources / Mitigation	The EIS should address environmental impacts and mitigation in the Turkey Creek watershed, in furtherance of environmental justice obligations.
M.O. Lawrence, III	All Applicable Resources	Federal law requires a complete analysis of all direct, indirect, and cumulative effects in your analysis. These should include: the impact associated with the creation of the man-made land into the Mississippi Sound, the impacts associated with the expansion and deepening of the Gulfport Ship Channel, the impacts associated with the Port Connector road, the impacts associated with the so called off-site evacuation area, the impacts associated with any pending developments at the Northern end of the port property, and the impacts associated with the rail corridor from Gulfport to Hattiesburg, MS. Analysis should examine water quality, air quality, wetlands mitigation, and human health issues.
	Socioeconomic	Since most of the impacted areas are designated as low income and/or minority communities, federal law further requires a comprehensive environmental justice analysis. Since Community Development Block Grant are a critical factor in the financing of this project, all applicable laws relating to the expenditures of these funds should likewise be incorporated into your analysis.
	Socioeconomic	Analysis should include a Department of Justice review for any potential violations of discrimination and a prescribed course of action for remediation.

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Schmitt Transcript:		
Gerald Miller	Introduction, Purpose and Need / Socioeconomics	One of the problems of Port EIS is in the last 25 years is that the section on purpose and need have been conflated together. They're not. They're separate entities. Purpose is easy . . . It's the -- to allow the Port to increase its economic footprint, increase deficiencies, greater marginal profits, benefits to Gulfport, the Coast, and by extension the entire State of Mississippi. Need is quite something else. That's much more overarching. That deals with national interest . . . That means that you've got to look and see is there a need. For example, just in the first bite of the apple in this project of it getting from 200,000 to a million . . . And there's a lot of ways that you can examine that. You can do it through a multi-port analysis. That's where you look at capacities, both current and planned development in other port projects.
	No Response Needed	When you're dealing with federal money there's got to be a national interest. You don't fund every port and wind up in competition with yourself with a lot of access capacity. Now, that is a very fundamental issue.
	Socioeconomic	There's also a lot of other things here that I'm hearing in terms of this project. I didn't hear any acknowledge of any other ports. The Port of Savannah right now is -- they just had their draft EIS. They're going from two and a half million to six and a half million TEU's in the same time as the projections of the Port of Gulfport. The question is: Are there really -- is there really that much extra capacity involved, all right, because federal monies are funding both ends, Savannah and port. That's very, very important.
	Socioeconomic / Commercial and Recreational Navigation	The ingress -- this channel is only 36 feet existing operational depth . . . Now, the problem here is that generation two and generation three Post-Panamax ships draw much more water than that. Savannah has demonstrated that they can't live with less than 48 feet. So the Port is -- the container fleet ships are drifting to bigger and bigger ships and this Port can't handle them.
	Community Infrastructure and Municipal Services	Secondly, the egress. They're going to raise the Port up. They're going to have roadways going to 1-10, and they're improving access off the Port, the rail system. But where's -- where's all these -- where's the TEU's going? Savannah goes to Atlanta. Where's all these containers going to?
Raleigh Hoke	Socioeconomic	. . . the expansion of the cargo Port in Gulfport is not necessary. The estimated growth from the cargo container markets is unlikely to occur at the rate predicted due to increased transportation costs and other economic conditions
	Socioeconomics	Gulfport lacks the high capacity, high volume railroad lines needed to efficiently ship large amounts of goods into interior states. The nearby population alone is not large enough to economically support an expanded cargo port.
	All Applicable Resources	The negative impacts of the human and natural environment from the cargo port expansion and related channel deepening will be significant and permanent. The dredging of a new, big ditch for navigation through 400 acres of ocean bottom and the Mississippi Sound could have significant negative impacts on sedimentation, channel shoaling, beach erosion, coastal wildlife like shrimp and oysters, along with endangered species like the Gulf Sturgeon, the health of the water in the Mississippi Sound, and the families who rely on the Sound for their livelihoods and recreation.
	Air Quality / Sea Level Rise / Roadway Traffic / Community Infrastructure and Municipal Services	This project could pollute the air, contribute to sea level rise and global warming, and significantly increase road and train traffic in surrounding communities.
	Socioeconomic	Minority and low-income communities in and around Gulfport that have already borne the brunt of development and pollution and poverty should not be asked to once again sacrifice their health and security.
	Alternatives	There's several alternatives to consider instead of this unnecessary and destructive proposal, including but not limited to alternative one, port restoration and hurricane protection alternative. The port restoration and hurricane protection alternative would only include repairs to the existing port infrastructure, including hurricane protection measures for the Port of Gulfport. There would be no expansion of the pier, slash, wharf, no dredging for expanded navigation channels, no dredging for expanded berths, and no dredging for expanded basins. And no need for the construction of new revetments, jetty structures, bulkheads, breakwaters, and piers.

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	Alternatives	Alternative two, repair commercial small craft channel and harbor. The environmental impact statement should consider repairing the commercial small craft channel and harbor located on the west side of the proposed project.
	Alternatives	Alternative three, no expansion of the navigational channel. U.S. Army Corps of Engineers states that deepening and widening the Gulfport Harbor Federal Navigation Channel is not required to support the project as proposed at this time. Therefore, it is not -- there's no justifiable need to dredge the Mississippi Sound.
	Alternatives	Alternative four, no north harbor cut. Once again, USACE states that deepening and widening the Gulfport Harbor Federal Navigation Channel is not required to support the project as proposed at this time. Therefore, there's no justifiable need to dredge the Sound or the north harbor cut.
	Alternatives	Alternative five, no east pier. Alternative five would exclude the new revetment that would cross the yacht basin channel on the east side of the Port.
	Alternatives	Alternative six, shipping storage area relocated to uplands. The storage container area will be impacting 63 acres of wetlands in the coastal zone. And the Port should -- the Port should find a property further north to avoid and minimize permanent damage to wetlands.
	Alternatives	Alternative seven, administrative buildings are L-E-E-D certified, LEED certified. Construction of any new buildings should be LEED certified as well as any new modern maintenance and ancillary buildings.
	Alternatives	Alternative eight, Port leases include environmental controls. According to the Mississippi State Port Authority, all the piers are public, but most facilities are operated through leases operating for space assignment agreements with private operators and users. Leases and space assignment agreements include environmental controls.
	Permits and Approvals Required / MPRSA	. . . we expect that all environmental controls by state, local, and federal regulatory agencies will be implemented. All these alternatives could include recently approved projects to continue including the 84-acre permitted fill project . . . and the 25-foot Port elevation project.
	No Response Needed	I'd also like to comment that future meetings on this should be held closer to affected communities like the Point Neighborhood and Turkey Creek in the Gulfport area. And that future meetings also include presentations from the public in front of the entire crowd so that members of the public can hear comments.
Roberta Avila	Socioeconomic	I have a huge concern about the way this meeting was held, because it's a violation of environmental justice and there are huge environmental justice issues around this Port expansion. Environmental justice means the meaningful opportunity to participate. And the Corps's decision to hold this meeting outside of the affected community, which is North Gulfport reduces the opportunity for the African American community to participate and add their concerns. And -- so that's my first thing.
	Introduction, Purpose and Need	The planned Port of the Future provides no storm protection to anything outside the Port. On March 29, 2011, Joe Conn, port recovery director, made the statement that the Port expansion would provide storm protection. We don't believe this. Adding feet to the height of the Port does not protect the city of Gulfport from storms. In fact, there is an increased risk of flooding to North Gulfport when the proposed 162-acre wetland fill happens which will provide for a port connector road. So we don't see anything sustainable about this port plan expansion.
	Socioeconomics	The cost of the project is very expensive. The Port proposes to spend a half billion dollars of CDBG money to raise the Port facility 25 feet. However, it will leave shipping containers vulnerable to storm surge at the level of Katrina which came in at 27.8 feet. And it is estimated that just to bring in the dirt fill will cost \$200 million.
	Socioeconomics	It's not safe. The equipment that will be provided to secure containers at the Port after the expansion is completed is only designed for wind protection. When a storm surge hits the containers they will not be secure.
	No Applicable	When the Port is elevated, the plan is for the containers to stay at the Port even during hurricanes. The ports in the facility known as the Port's 33rd Street property presents a great risk to North Gulfport. The threat from the Port simply moves from one neighborhood to another. The threat from wind-borne containers at the Port 20 is still there.

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	Introduction, Purpose and Need	The solution is an evacuation facility north of 1-10, which would be far more desirable and cheaper than elevating the Port.
	Socioeconomic	The lack of job creation. The planned Port is being designed as a semi-automatic facility. This will allow the Port to do more work with less people.
	Socioeconomic	There's a great likelihood that the Port will spend the 570 million and not create additional jobs. In fact, the Port may even lose some of the present jobs or getting more traffic. This concerns us because the community had the expectation that there would be many well-paying jobs.
	Air Quality / Roadway Traffic	(I) have environmental concerns and air quality. The new project is for a four million TED capacity. That is two million trucks a day a year making a round trip into and out of the Port. If half go by rail there is still a million 16 round trips a year, five thousand five hundred truck trips every day into and out of the Port of Gulfport. The other half of the containers will be part of the constant rail traffic. The rail traffic combined with increased trucks truck traffic will increase problems of traffic congestion and air pollution.
	Air Quality	. . . air pollution from diesel is a huge concern from people with asthma. The air pollution from ships is from bunker fuel, the dirtiest fuel available. Now you can see the plumes of exhaust as ships approach and leave the 4 current Port. Ship, truck, and train traffic combined at ports create huge air pollution problems.
	Socioeconomic	And economic benefits for whom? The Port provides no revenue to the City or State. All money given and generated by the Port stays at the Port. It is spent on salaries, maintenance, and equipment for the Port.
	Introduction, Purpose and Need	The proposed plan to raise the Port 25 feet high will be paid for with 570 million CDBG funds. Once this section is raised up 25 feet, the Port will look for outside investors to pay for other acreage to be filled. This means that the outside investor actually builds and pays for a portion of the new facility.
	Socioeconomic	According to the previous mayor of Gulfport, Brent Warr, the government of China is ready to build a concession once it is permitted. The Chinese shipping company will operate the concession. They will own much of the operation of the Port of Gulfport, a facility with 20 times more capacity than the present Port.
	Introduction, Purpose and Need	. . . the Port needs to consider best practices similar to what has been used in Los Angeles
	No Response Needed	We are wanting the Port and this process to continue to be opened to the public and transparent.
William McCown	No Response Needed	I certainly believe that such a north/south roadway is necessary to take tractor-trailer traffic from the Port or into the Port and keep it from being primarily on Highway 49 through Gulfport.
	Roadway Traffic	But by having these on and off ramps, I also can see another consequence in that truck traffic that is coming south but is not intending to go into the Port would tend to see that roadway and those exit ramps as ways to access other parts of other cities by using Highway 90; therefore, introducing additional tractor-trailer traffic on Highway 90 going both east and west.
	Roadway Traffic	. . . delivery traffic or tractor-trailer-type traffic, even though it might be smaller than an 18-wheeler, would be looking for their quickest route north after they've completed deliveries and they likewise would be drawn on east and west Highway 90 to those on ramps such that they could quickly access the Interstate.
	Roadway Traffic	I believe there is some of this using smaller vehicles perhaps that uses existing north, south arteries and feeds out to be able to access the Interstate -- the Interstate without having to come on Highway 90 to this central point that would be created. And therefore Highway 90 does not have such a volume of this truck traffic that these on and off ramps will create.
	Roadway Traffic	The Highway 90 exchange is only one of those. I see also other proposals and have heard of them that have to do with possibly on and off ramps at Pass Road in Gulfport. There's certainly a need for an on and off ramp at a storage facility that's located midway between Highway 90 and the Interstate. I can see the need for those ramps.
	Socioeconomics	The plans that I have heard from the Port for both the restoration and the expansion have clearly said that there are favored tenants that are being provided additional capacities to particularly try to boost their capacities. And those names of Dole, Chiquita, and Crowley have been specifically mentioned that they will be provided space perhaps to increase their capacity by 50 percent. It has been said that those would be offered as permanent facilities for existing tenants.

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	Socioeconomics	All of these comments, I believe, focus on the west pier. There are other tenants in the Port now that have been there a long time beyond those three existing tenants. And they provide economic support to the area in terms of jobs and other economic impact.
	Socioeconomics	I believe that the plans are causing some tenants to relocate and I am suspicious that perhaps the arrangements are not as economically attractive, not as financially attractive to those other tenants as they are for these three tenants that I have mentioned on the west pier.
	Socioeconomics	If either of the restoration or the expansion were to drive away any of these existing tenants, I would think that would be a curious use of federal funds in that monies that are now supplied to the surrounding economies by these tenants having business would be eliminated.
	Socioeconomic	One particular tenant, I believe, provides a significant amount of support to the Pass Christian school system. And these are the types of impacts I would think that we would not want. Not that the expansion on the west pier is a bad thing, again. Not that the restoration is unnecessary. Just that if we're going to be retaining and expanding and permitting existing tenants, that should not be at the expense of other existing tenants.
Stephanie Thomas	Introduction, Purpose and Need / Alternatives / Roadway Traffic	I feel that the project as a whole has been segmented because even though the Port has been mentioned in the scoping meeting, I have not heard anything about the Port connector road or the inland Port or the increased rail traffic. And all of these factors are going to be a detriment to my community.
	Roadway Traffic / Noise	The Port connector road will cut directly through North Gulfport, which is my community. It will bring a six-lane highway. This will bring obviously noise, pollution, air pollution from the exhaust. And it will disrupt traffic for the residents trying to get in and out of the community.
	Not Applicable	As also with the rail expansion will increase traffic of the railways.
	No Response Needed	A lot of my people are pedestrians and bicyclists, not just motorists who need to get in and out of the community. So this will be a problem because we are already, quote, unquote, boxed in because of 49 dividing our community.
	Not Applicable	. . . this brings me to the inland Port, which in Hurricane Katrina these Crowley, Dole, and Chiquita containers devastated the Westside Community when the storm surge came in, picked them up and torpedoed them into homes. This would be the same thing that will happen to my community because it's only two miles north of the Westside Community. So the next time a Hurricane Katrina, per se, happens these containers stand the risk of being picked up by the wind or moved by the storm surge into our homes.
	Community Infrastructure and Municipal Services	We are already lacking infrastructure, lack of drainage in our street sewer systems.
	Not Applicable	. . . the proposed acreage that they want to put the inland Port and storage containers on was the part of wetlands that provided a buffer from the wind and storm surge that protected us in Hurricane Katrina. So not only will they take away that buffer of wetland and flood protection, they will replace it with TEU's that could be torpedoed into our homes.
	Roadway Traffic	And then in the event of a hurricane, we will not be afforded the opportunity to evacuate because we shall be boxed in by this increased rail traffic. We'll be boxed in by this Port connector road, and we'll be boxed in by this inland Port and the truck traffic that's going to come through our community in their efforts to, quote, unquote, evacuate these containers from the Port into our community. So not only will we be boxed in, we will be bombarded by these same containers.
	No Response Needed	I also feel that the Port Authority has not been clear, has not been honest. I don't feel like the whole process has been included with a sense of connectedness. I feel like it's been segmented, and I feel like there's a lot of things that are not being brought to the table and to be a part of the conversation. I would like more conversation on these other issues that I just previously mentioned, the Port connector road, the inland Port, the increased rail traffic. I do not want it to be segmented.

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	Socioeconomic	I would like for more attention to be paid to the fact of the location of these proposed projects. North Gulfport, just to give a little bit of history, is a historically African American low-income community. And I feel like this is one of the determining factors as for the proposed location of these projects. Maybe they feel like we as a people don't generate enough revenue, we don't pay enough tax dollars, or we're simply just not that important as to why they want to put these things in our community. But we are people, too, and we deserve a fair chance to live in a healthy environment.
	Socioeconomic / Noise	A lot of my people are already suffering from asthma, diabetes, heart problems, things that noise pollution and diesel exhaust will contribute to.
	Socioeconomics	I feel like we as a poor African American community already lacking access to good health care and medical assistance. I feel like this project will further devastate us.
	Socioeconomics	I don't see any of these funds coming into our community directly from this project. I don't feel like it's going to benefit us, only cost us.
Rose Johnson	Socioeconomics	. . . nobody is addressing environmental justice.
	No Response Needed	Now, there have not been any meaningful involvement in this process, particularly when you hold a hearing or a scoping meeting outside of the area that's affected most from this project.
	Not Applicable	The Port connector road -- in order to do the Port connector road it would have to fill 162 acres of wetland. And that would increase flooding in the North Gulfport community, a community that is already suffering from flooding. This project would only make a bad situation worse.
	Not Applicable	The Port connector road would increase traffic.
	Socioeconomics / Air Quality	Most of the people in North Gulfport are low income, as I said. Most of them have a high rate -- there's a high rate of children in the community that suffers from asthma. We have a lot of cancer. We have a lot of diabetes. We have people with HIV and AIDS. And the diesel exhaust from these trucks would just further degrade the quality of life of -- the quality of life of the people and further degrade the environment.
	Not Applicable	We would like for the government -- I mean, the regulators to broaden the scope of the EIS and include the Port connector road.
	Air Quality	And like I said, we are very concerned about the air pollution.
	Noise	We're concerned about the noise.
	Socioeconomics / Community Infrastructure and Municipal Services	We are concerned about the rail yard that's coming through a low income minority community.
	Noise	We're concerned about the noise, the vibration from the rails, how it will affect the homes of the people that live near the railroad.
	Air Quality	There is also diesel exhaust that would harm the people coming from the locomotive of the train.
	Not Applicable	We are also concerned about an inland Port being built within 100 feet of our community.
	Not Applicable	Most of these projects -- all of these projects are related to the Port expansion. And we feel that this connective action, that they should connect the action and group all of these related activities to one - one project. And that's the Port, all of it is connected to the Port. And that one EIS should be done, that the Port connector road, the inland Port, the rail yard, all of that. The Port cannot function without the Port connector road, without the rail yard, without the inland Port. So all of this should be considered as one study. It should be considered as one group. And all of these should be included in the EIS.
	Socioeconomics	We further feel that this is a violation of our civil rights that they consider the Title VI, Civil Rights Act; that they also consider President Clinton's Executive Order 12898 that addresses environmental justice. And the purpose of this order is to ensure federal agencies addresses disproportionate and adverse environmental and health impact on low and minority communities.
	Not Applicable	. . . if they're allowed to bring the Port connector through North Gulfport that we will and the rail yard and inland Port, you will see the health of the people in just a few years decline -- rapidly declining.

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	Public Involvement, Review, and Consultation / Socioeconomics	. . . it is not fair because we had not had -- there has not been public participation. We feel that -- that they are able to do that -- to do this project because they have the political clout, they have the influence, and they have the resources. And that we -- and that the African American communities does not have the political clout, does not have the resources, and does not have the influences. And so they do what they can get away with, because they do not view African Americans as they do not consider African Americans to be valuable.
	Socioeconomics	We feel that we should not have to sacrifice our health and the environment for jobs.
Ouffut Transcript:		
Reilly Morse	Socioeconomic	. . . the issue of environmental justice is necessary to cover. It was not listed among the items to be considered in the presentation, and it should have been. In this case, the environmental justice effects concern the disproportionate adverse impact of the port and the connector road and railway upon nonwhite communities in Gulfport.
	Air Quality / Noise / Roadway Traffic / Community Infrastructure and Municipal Services / Socioeconomics	The air quality, the noise, the disruption of traffic flow, the physical division of several of these communities by the highway, the railway, and this new port connector road fall almost exclusively upon communities that are majority black in west Gulfport. The diesel fumes that will come from the ships, from the port, from cranes and other equipment for moving the cargo, the railways, and the long-haul trucks will saturate a corridor that is majority black.
	Alternatives	The scoping should consider alternatives that will reduce the adverse concentration of air pollution in this corridor, including cold ironing the vessels, requiring them to hookup to electrical power; electrical-powered cranes, gantries, and other moving equipment on the port facility itself; requiring low sulphur fuel to be used by the vessels and the long haul trucks; requiring electrical power to be used for the generators and the other equipment on-site.
	Introduction, Purpose and Need	The other part of the scoping that needs to happen is that this needs to have -- seems to be assessed in connection with other permanent activities that are underway, including the 84-acre expansion, the expansion of the railway, and the expansion of the port connector road.
	Socioeconomic	. . . the scoping needs to assess the economic benefit proposed here and whether the move to semi-automated facilities will actually decrease jobs, which would mitigate against this expansion.
Linda St. Martin	Not Applicable	Before I get into my substantive comments, I would like to say I object most strenuously to the procedure and the way it's being handled . . . In the first place, Balch & Bingham has no part -- should have no part of being on the staff of running this show. They stand to make a lot of money off this project, and it is extremely inappropriate and it makes the Corps of Engineers look really bad.
	No Response Needed	People came here to make their comments, yes, they did. But we want to hear our own personal neighbors and hear what they say. It is important to us, and we want to know what they have said and what they are saying.
	No Response Needed	One other little thing I want to get out of the way is the concessions area. Now, there are lots of big questions surrounding that concessions area. And about the concessions, I just have this to say: I do not want any Chinese toothpaste. I do not want any Chinese pet food. I don't want to give my kids any Chinese milk. I don't want any Chinese Sheetrock in my house. And I don't want any Chinese concessioners calling the shots in the port of Gulfport.
	Socioeconomics	This project will cost us hundreds and hundreds of jobs in the charter boat industry, the tourism industry. They keep saying they're going to create jobs; I don't believe that . . . What I see it doing is costing us jobs. And if you spend \$571 million of community block grant money to get 570 jobs, you're breaking the law. You've got to have more jobs than that for the money spent, and we all know it . . . it will have an extremely detrimental impact to our tourism industry.
	Air Quality	It's going to be very detrimental to the environment. As far as air quality is concerned, it is going to be filthy. There are totally inadequate controls being considered to make this air quality work . . . They're going to have, you know, tons of diesel fumes going into the air, nasty diesel trucks. There are no rules right now about the size and number of trucks coming into the city of Gulfport, and they have no plans to make any. They're not even addressing that.

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	Socioeconomics	Do they really think that these other ports are going to stand by and let all of that business come to Gulfport when it's not coming there now? . . . The other ports are going to kick in and do stuff, and there will be no benefit here to anybody except the contractors doing the construction.
Therese Collins	No Response Needed	I'd like to put in the record the notes of the Gulf Restoration Network as part of our official comments, also, which are in this piece of paper. Their comments are submitted as part of our comments.
	Introduction, Purpose and Need / All Applicable Resources	This EIS scoping hearing process needs to be expanded to include all ports required projects. The cumulative and secondary impacts of the direct and indirect activities must be considered, and it does not appear that that is being done. The port EIS must include all projects to make -- that are required to make the port work: the roads; the rails; the dredging; the runoff; sewage; wastewater; noise; lighting; you know, all the things that would make the port work need to be part of the EIS. Perhaps this needs to be expanded to be a programmatic EIS for the port project.
	Socioeconomics	It seems that the environmental justice issues have not been considered.
	Not Applicable	The required channel dredging has not been considered. The dredge spoil disposal plan is not part of this. We have no idea what you're doing to do with that.
	Introduction, Purpose and Need / Alternatives	We have a lack of information, and before we can scope the project, we need more information about what the project is 'because it's changed even since the public notice was put out.
	All Applicable Resources	Again, air quality, water quality, cumulative and secondary impact, environmental justice, future dredging requirements of the port to make this work, this needs to be part of the scoping and the EIS process and the permit process. It appears that different agencies are applying for different permits therefore diluting the true impacts of this port on the environment, on the people, on the ecology, on the economy of the Coast . . . So we can't truly get a picture of the impacts of the project because it's been piecemealed, and the Corps only has one part of that . . . it would appear to me that the Corps has the power to pull these together and make all parts of what is required by the port project or the port itself to be part of one project.
	Socioeconomic	The economic benefits of the project don't seem to be -- don't seem to correlate with the economic costs, and that needs to be properly analyzed. So the cost benefit analysis needs to be reconsidered because it looks like we have a lot more taxpayers' dollars going into the project than will come out of the project.
	Alternatives	All alternatives to the project must be considered. Whether it's financial, ecological, environmental, or environmental justice, all things need to be considered.
	Socioeconomics	There's a disproportionate benefit to corporations than there are to individuals and taxpayers, and this needs to be considered.
	Water Quality / Aquatic Ecology	The runoff from the port, there seems to be containment, but we have no knowledge of what's going to happen. Once that is contained, where is that runoff going to go? . . . will that require the sewer plants to be upgraded to handle the chemicals and the oils and the grease and everything else that will be coming off the port site? Because that would be a negative impact on the environmental quality of the water, and it would have a negative impact on the resources that live in and on the water and in the sands around the port.
	Geology / Physiography, Topography, and Bathymetry	The littoral transport is being totally disrupted by the filling of this project, and they it seems to be no analysis or no -- no information given to us about how that's going to be handled. Because you're stopping the transport of sand by putting this port so far out, so how is the sand going to be replenished west of the port?
	Public Involvement, Review and Consultation	And there seems to be no meaningful effort to allow the impacted communities to be involved in the scoping process itself.
	Introduction, Purpose and Need / Public Involvement, Review and Consultation	The breakwaters, the sedi -- the whole thing is so confusing that I think they need to come back and have another scoping hearing and give us the true scope of this project and not piecemeal it together, because this is a completely confusing process. And I've been part of EIS projects and scoping before, and this seems to be totally -- not unorganized but totally confusing for the public.
	Socioeconomics	. . . show me the financial benefit of the port. And how are we going to recoup those tax dollars to make this port pay itself?

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	Introduction, Purpose and Need	The rail improvements, the multimodal operations, they spoke about all these being part of the port project yet it's not part of the scoping of this hearing, of this EIS. So they're saying one thing, but we're not allowed to talk about it because it's not part of the scoping.
	Not Applicable	So we really need to go back to the start, put all projects related to the port into one permit application to include all parts of the project that makes the port work: dredging, dredge disposal, roads, railroads, the same thing I've said before but we will put in public comments.
	Socioeconomics / All Resources	The environmental analysis of this thing just seems to be flawed or inadequate, and the cost-benefit analysis seems to be inadequate.
	No Response Needed	And not having public comments at a public hearing for us to benefit from other people -- whether you're for or against the port, it doesn't matter. But we will put comments in the record because, obviously, this a little confusing.
	Cumulative Impacts	It appears that the true scope of the project is not being is being piecemealed into individual projects. So therefore the Corps is not looking at the total project in the cumulative -- the total cumulative and secondary impacts of this project . . . if you're going to scope the project, you need to look at the whole project, not one part of it.
	Air Quality / Noise / Roadway Traffic / Aquatic Resources / Socioeconomics / Vegetation / Wetlands and SAV	Air quality; noise; traffic flow; water quality; impacts on our seafood resources, the things that live in the water; dredge disposal; the impacts on the barrier islands, because we're going to have to have channel dredging to support the port project.
	Socioeconomics	If this project were taken to a bank with the business plan that you have now, would a bank approve the project? And I think the same analysis should be allowed for a public project. If the benefits don't outweigh the costs and the impacts, the project should not be allowed. And I don't think they've proven that the benefits outweigh the impacts and the future cost on the taxpayers.
	No Response Needed	. . . future scoping hearings need to be open to the public with public comments openly given by the audience so that we all benefit from the comments that anyone would say, whether you're for or against it.
	No Response Needed	. . . these hearings should be held near the community that's being impacted so those people can be part of the public process. There is a public high school not far from the community that's being impacted, so there's no reason that this could not be held near the community that's being impacted . . . All these meetings should be held closer to the neighborhoods that are being impacted. The facilities are available, so it's not a lack of facilities.
Howard Page	Air Quality	This project, the expansion of the port of Gulfport, the EIS that's being requested here will greatly increase air pollution
	Socioeconomics	. . . (it) will also use funds that were designed to create jobs and economic opportunity for persons affected by Katrina . . . Persons affected by Katrina that are looking at a half billion dollars of money that is dedicated to improving their economic condition are looking at this project being done and creating about 1200 jobs, which is a very poor job creation result.
	Air Quality	. . . the proposal of the port is to fill in the water bottoms of the United States, 400 acres, elevate 25 feet above sea level. This involves bringing a great deal of fill dirt through the city of Gulfport. This dirt comes through in trucks that are uncovered. It produces dust.
	Roadway Traffic	It congests traffic. This process will go on for years.
	Air Quality	. . . equipment will be put in that handles containerized shipping containers that come into the port of Gulfport from all over the world . . . there's an increase in air pollution. There's an increase in air pollution which has not in any way been addressed by the applicant. When the ships come in, the ships burn bunker fuel. They burn very, very dirty fuel.
	Air Quality	The ships should use fuel switching. The fuel switching they should use should be similar to fuel switching used at many other ports on earth. I would suggest that 50 miles out, the ship switches over from the fuel it burns on the open sea, the dirtier fuel, to the cleaner burning fuels that are available as they approach and leave the port of Gulfport.

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	Air Quality / Commercial and Recreational Navigation	I would also suggest, similar to other ports, that the speed limit of approaching ships and of departing ships from the port of Gulfport be reduced to a speed which reduces the emissions from these ships.
	Air Quality	When the ships arrive in port, they should use cold ironing, which is when the ship turns off its own generators and engines and runs off of shore power. This stops the ships from idling while in port and adding to air pollution. They switch over to the shore power.
	Air Quality	The port should maximize in the interest of public health not of offering the cheapest product to their customers but with some consideration of public health -- they should maximize the use of zero pollution and low pollution equipment. This includes the cranes; the generators; the other dockside equipment, including forklifts and other cargo handling equipment.
	Socioeconomics	The present port is looking at a facility that could handle 4 million or more TEUs of containerized shipping traffic a year. This is a huge amount of traffic compared to the present level.
	Air Quality / Noise / Railway Traffic	When cargo is offloaded from a ship and it goes to rail, this rail is now being upgraded to go 49 miles an hour and double stacked. This will greatly increase noise pollution and air pollution, particularly the closer you are to the source of pollution. Communities that live very near to existing rail lines will be the most affected. In addition, they will be affected by noise from the trains and congestion and safety issues of having that much industrial activity near a residential area.
	Air Quality / Roadway Traffic	The trucks have no requirement to use clean burning trucks or any hours of operation being limited or any truck routes in Gulfport being limited. All of these issues should be addressed. Trucks who travel in and out of the port of Gulfport should meet the same standards of trucks that travel in and out of the port of Los Angeles. The port of Los Angeles has an existing standard in the interest of public health. A policy involving local officials, representatives of the Port, and the public should come up with a policy for commercial truck traffic in Gulfport. This policy should include what routes are allowed, times of operation, and types of cargo.
	Roadway Traffic / Socioeconomics	The trucks are also requiring an elevated port connector road to take them to and from the port, to the port from the interstate. This connector road will concentrate traffic in low income and minority neighborhoods. It will cause a 162-acre wetland fill that will greatly increase local flooding. It will devalue local residential property. An alternative to the elevated connector road is a dedicated truck road using existing surface streets. This option should be considered.
	Not Applicable	The Port has a property in north Gulfport, the Inland Port Facility. It's a 150-acre facility of which approximately 35 acres will be used by the Port for container evacuation during hurricanes. This activity is improper in a residential neighborhood, a residential area. The noise; air pollution and lights -- lighting, commercial lighting; and commercial fencing are completely inconsistent with the character of the surrounding area. A far better alternative is to find a similar property north of Interstate 10 which is not near residential neighborhoods, residential areas, and is further from the strong effects of coastal storms. This combined alternative of using existing surface streets instead of the elevated road and of locating the evacuation facility north of I-10 will stop the need for the 162-acre wetland fill, be far cheaper to do, and move the bad effects of container evacuation out of a minority neighborhood and into a more appropriate location.
	Introduction, Purpose and Need	If an effective container evacuation program can be done, the need to elevate the port 25 feet -- the port may not need to be elevated 25 feet. The only reason to elevate the port now 25 feet is to raise it out of the threat of storm surge. At 25 feet, the containers will still be 2.8 feet below the storm surge of Katrina. This present plan does not achieve its goals of protecting the footprint of the port during storms.
	Introduction, Purpose and Need	Another goal that this project does not achieve is any storm protection for the city of Gulfport. In addition to protecting the port itself, which this project does do in limited situations but fails to do in situations such as Katrina, there is no additional protection to the city of Gulfport. The Port has been including this in its public information, and it is completely false. Money that is actually used to help people recovering from Katrina should not be used for a project that claims to offer storm protection but there's absolutely no facts behind the claims.

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Commenter	Category	Comment
	Socioeconomics	. . . this heavy investment in automation allows the Port to do a great deal of work with fewer workers. As a result, job creation of this project is very poor. There are actually situations where the Port could increase two or three times the amount of container traffic going through it right now and lose jobs. This means that the money is spent, the traffic is increased, and jobs are lost.
	Socioeconomics	The jobs that are being created are high-tech jobs at an automated port. Presently, there is no training specifically available to low income or minority citizens to help them create career paths to benefit from this project. Given the technical nature of many of these jobs, it will be most efficient to import already trained workers unless specific requirements are made to hire locally.
	Not Applicable	The dredge that has been requested to 45 feet so that this port can handle Panamax ships, which are designed to pass through the newly upgraded Panama Canal, will cause great problems from the constant maintenance. Many of these problems will be in maintaining the barrier islands. The channel acts as a sediment trap and traps sediment that can build the islands. Wider and deeper channels trap more sediment.
	Socioeconomics	. . . the expense of the dredging will not result in economic activity that justifies it.
	Socioeconomics	Many of the effects of this project fall most heavily on low income and minority neighborhoods . . . None of the applicant's -- none of the information in the applications indicates any environmental justice issues with this project. The fact that environmental justice issues are not recognized means that no solutions are offered. The environmental justice effects of this project should be recognized, and the solution should include using as much clean technology and community involvement to reduce the negative health effects of diesel pollution.
	Alternatives	. . . the best solution is to leave the port at its present level, modernize the existing facilities, plan for a much smaller amount of container traffic, use existing surface streets instead of the elevated connector road, and move the evacuation facility north of 1-10.
	Introduction, Purpose and Need	Segmentation of all of these issues has been a constant problem. All of the cumulative effects of the road, the rail, the inland port, the existing 84-acre expansion of the port, and the future 400-acre expansion of the port should be considered with respect to air and water pollution as well as economic benefit.
Petition Letter to Damon M. Young:		
Various commenter's (see petition names list)	Introduction, Purpose and Need	This project does not provide additional protection from storms to Gulfport, except for the immediate elevated area of the port.
	Introduction, Purpose and Need	The finished port, raised to 25 feet, will still be two feet below the level of the storm surge from Katrina and therefore fails to achieve the goal of storm resistance at a high cost.
	Socioeconomics	The project will spend Katrina Community Development Block Grant recovery funds for economic recovery while creating few jobs and may reduce jobs from the present port operation levels.
	Socioeconomics	There has been no study done to determine what jobs will be created by this project.
	Introduction, Purpose and Need	All parts of this project have been poorly or falsely presented to the public and this poor presentation of information has prevented the informed participation of affected communities.
	Socioeconomics	No part of the port expansion has acknowledged the environmental justice effects of the project.
	Socioeconomics / Air Quality	There has been no study of the health effects of this project on local communities impacted by the project.
	Roadway Traffic / Air Quality / Noise	The effects of a substantial increase in truck traffic through Gulfport which will cause traffic congestion, air and noise pollution.
	Not Applicable	The effects of a port connector road through residential areas which will concentrate air pollution along its route and the loss of flood protection of an associated 162 wetland fill.
	Not Applicable	The effects of the port at the 33rd street property on communities for storage of shipping containers during storms.
	Community Infrastructure and Municipal Services	The effects of the proposed increase in the speed of trains traveling up to 49 mph through Gulfport and a significant increase in train traffic.
	Air Quality	The cumulative detrimental health effects of the port expansion project on air quality including an increase in air pollution from ships, trucks, trains, and port operations

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Commenter	Category	Comment
	Socioeconomics	The lack of substantial job creation for a project that will spend \$570 million in CDBG Katrina recovery funds and that may result in job losses at the port.
	Socioeconomics	Environmental justice effects of the project.
	Air Quality	The need for a comprehensive study of the health effects of this project on community health.
	Socioeconomics	The need for a comprehensive study of the economic effects of this project, including possible detrimental effects on the tourist and hospitality business.
	Not Applicable	An alternative location for the evacuation facility from the port's 33rd street property, such as a location north of I-10.
	Introduction, Purpose and Need / Public Involvement, Review and Consultation	The effect of the lack of truthful and complete information provided by the applicant to the public for the permit including: the expansion of the port; the port connector road; the rail expansions and the port's 33rd street evacuation property.
	Introduction, Purpose and Need / Cumulative Impacts	All connected actions cumulatively, which have been considered separately, but are clearly connected.
Chad Miller		Would like to stay informed about the progress of the project. / Add to mailing list. / Prefers electronic communication
Patrick Carter		Would like to stay informed about the progress of the project. / Add to mailing list.
Narissa Behrens		Would like to stay informed about the progress of the project. / Add to mailing list. / Prefers electronic communication
Heinx Mueller, EPA	Introduction, Purpose and Need / Alternatives	The ports current capacity (permitted), usage of that existing capacity, and projected capacity associated with the proposed expansions and proposed usage should be discussed in the EIS. Any underlying capacity deficiencies or needs that exist should also be discussed and data or analysis to substantiate each identified need or deficiency should be presented.
	No Response Needed	EPA supports efforts to reduce the overall footprint on any proposed expansion as a means of minimizing adverse environmental and/or societal impacts.
	Alternatives	The EIS should include action alternatives which should be fully considered in addition to the No-Action Alternative. Alternatives should be considered that meet the basic purpose of the project including improved management of existing capacity. Alternative that support also be considered that may fulfill the projects purpose and need. When alternatives are rejected, a rationale for rejection should be provided.
	Air Quality	The EIS should contain a discussion of the regulatory transportation air quality requirements, air quality concerns in the project area, and a carbon monoxide (CO) analysis. The document should assess existing air quality conditions in terms of National Ambient Air Quality Standards (NAAQS), Federal Prevention of Significant Deterioration (PSD) increments, and state air quality standards (if they are more stringent than the federal regulations).
	Air Quality	Mississippi is currently in attainment of the NAAQS. If the project is not located in a nonattainment or maintenance area, the EIS should make a negative declaration for Section 176© of the Clean Air Act. EPA, however, expects to have new ozone designations by July 29, 2011 and Gulfport might be affected by the new designations.
	Air Quality	If so, then the EIS will need to consider the emission impacts associated with the proposed port expansion. EPA also recommends that the project implement overall diesel emission reduction activities through various measures such as: switching to cleaner fuels, retrofitting current equipment with emission reduction technologies, repowering older engines with newer cleaner engines, replacing older vehicles, and reducing idling through operator training and/or contracting policies. EPA can assist in the future development or implementation of these options.
	Air Quality / Sea Level Rise	Climate Change Adaptation Task Force has made recommendations for impacts from climate change. ... The EIS should consider how issues related to climate may affect their proposed action and discuss any proposed adaptive management measures (i.e., sea level rise).
	Air Quality	Evaluation of the project should include consideration of the impacts of air toxics emissions from ships, trucks, and other port-related facilities on nearby population centers and sensitive populations.
	Air Quality	The EIS should include an inventory of air toxics emissions (including diesel emissions) from both stationary and mobile sources that serve the facility, including the locomotives, switchers, tractors, and support equipment, etc.

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Commenter	Category	Comment
	Air Quality	It should also include a screening level evaluation of the potential impacts of these emissions on neighboring populations. The evaluation should include a description of the recent literature concerning the impact of air toxics emissions on near-Port receptors, including sensitive receptors such as children and the elderly. The evaluation should also describe the methods that will be used to mitigate any unavoidable emissions and impacts.
	Clean Water Act Section 404(b)(1)	The requirements of the Section 404(b)(1) Guidelines must be fully and completely considered if this project is to move forward.
	Introduction, Purpose and Need / Alternatives / Clean Water Act Section 404(b)(1)	Developing the least environmentally damaging practicable alternative and associated requirements of section 230.10(a). The least environmentally damaging alternative is determined by utilizing the project's "best project purpose". If the basic project purpose can be achieved by less environmentally damaging means then EPA would prefer those. Currently, the applicant's basic project purpose is vague (i.e., to enhance the state's standing in the global economy) and conceivably can be done by not filling in 400 acres of marine bottom. EPA will review the basic project purpose and the least environmentally damaging practicable alternative to achieve that purpose very carefully.
	Water and Sediment Quality / Threatened and Endangered Species / MPRSA / Clean Water Act Section 404(b)(1)	The EIS should include information which addresses the Guidelines' prohibition on allowing the potential effects of the fill to cause violations of state water quality standards, applicable toxic effluent standards, jeopardize threatened and/or endangered species or their habitat (e.g. Gulf sturgeon) and/or violate any requirements of the Marine Protection, Research, and Sanctuaries Act.
	Clean Water Act Section 404(b)(1)	Information should be provided based upon the appropriate factual determinations, evaluations and tests required by the Guidelines in Subparts B and G after considering information outlined in subparts C-F.
	Mitigation / Clean Water Act Section 404(b)(1)	Information also will be needed outlining how impacts have been avoided and how the unavoidable impacts will compensate. Compensation for any unavoidable impacts will have to comply with Subpart J, Compensatory Mitigation for Losses of Aquatic Resources (aka, the Mitigation Rule of 2008).
	Threatened and Endangered Species	Impacts to threatened and endangered species should be discussed in the EIS.
	Socioeconomic the EIS should examine the effect of the port expansion project facilities on minority and/or low-income populations. The EIS should identify, analyze and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.
	Socioeconomic	The EIS should include a demographics analysis of the affected project area.This information should be used in conjunction with information acquired during the public involvement and ground verification process.
	Public Involvement, Review, and Consultation / Socioeconomics	The USACE should continue to provide opportunities for meaningful community engagement in the NEPA process, including identifying potential effects, minimization and mitigation measures in consultation with affected communities. A summary of the communities potential environmental justice concerns and the agencies responses to those concerns should be included in the EIS.
	Public Involvement, Review, and Consultation	Every effort should be made to improve access to public meetings, official documents and notices to affected communities.
	Socioeconomic / Roadway Traffic / Air Quality / Mitigation	At the public meetings, some environmental justice community representatives expressed concerns that included traffic-related concerns/diesel emissions. Efforts to minimize and mitigate adverse impacts should be outlined or analyzed in the EIS, whenever feasible, should address significant and adverse environmental effects of the proposed federal actions on minority communities and low income communities.
	Air Quality / Socioeconomic	The EIS should evaluate potential environmental and human health effects of proposed expansion on children. Impacts should be assessed including those resulting from heavier traffic and from the proposed port expansion which is likely to increase diesel emissions and possibly present or exacerbate existing public health issues (i.e. respiratory).

Port of Gulfport Expansion Project - Scoping Meeting Comments Summary - March 2011

Commenter	Category	Comment
	Cumulative Impacts / Air Quality	The EIS should estimate cumulative impacts associated with the project. Cumulative impacts should include the additive effects of a given parameter for all contributing projects in the area, as well as the cumulative impact of all parameters for all projects in the area. The EIS should define what cumulative impacts would result from implementation of the proposed project. Existing or future projects (federal and non-federal projects) with attendant pollutants should also be considered. It is suggested that the spatial/temporal criteria of the analysis be given and that they be uniform throughout the analysis of the port project, if appropriate.
	Introduction, Purpose and Need / Alternatives / Cumulative Impacts	The USACE currently has a list of several projects or developments in the area that should be considered in this analysis including the proposed port connector road.

Appendix H3

Public Workshop 2012



NEWS RELEASE

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG.

For Immediate Release:
August 6, 2012

Contact:
Lisa Coghlan 251-690-2505
lisa.a.coghlan@usace.army.mil

Corps to Hold Public Workshop for the Port of Gulfport Expansion

MOBILE, Ala. – The U.S. Army Corps of Engineers, Mobile District, invites the public to participate in a public workshop for the Port of Gulfport Expansion Project Environmental Impact Statement. The workshop will take place on Thursday, August 9, from 5:30 – 8:00 p.m., at the Westside Community Center, 4006 8th Street in Gulfport.

The purpose of the workshop is to provide further information about the project, including its scope, the alternatives under consideration, and progress to date. The workshop will open at 5:30 p.m. with an informal poster session during which attendees can view the project displays and review project handouts. A presentation will begin at 6:00 p.m. followed by an open house during which project personnel will be available throughout the meeting room to discuss the proposed project.

For more information, please visit the project website at www.portofgulfporteis.com.

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Proposed Port of Gulfport Expansion Project EIS
August 9 Public Workshop
Poster Slideshow Presentation Script

Thank you, Mr. Young. Good evening. I'd like to thank all of you for joining us tonight for the workshop. We're glad for the opportunity to discuss the project with so many people from the community. Before we move to the informal discussion portion of the meeting, we wanted to take a moment to go through all of the posters that are here tonight and tell you a little bit about each one. So I am going to show slides that contain the same information as the posters and provide some background information. After this presentation, during the informal discussion session, we will have Atkins and U.S. Army Corps of Engineers staff at each of these posters available to try to answer any questions you might have and discuss the project. Representatives from the Mississippi Development Authority and Mississippi State Port Authority will also be here to address questions as needed.

NEPA Slide:

Before we start going through the posters, I want to take just a minute to review where we are with this project and the National Environmental Policy Act (or NEPA) process. In spring of 2010 the Mississippi State Port Authority submitted a permit application to the U.S. Army Corps of Engineers for various activities associated with the proposed Port expansion. This permit application was reviewed by the Mobile District Corps of Engineers, who determined the proposed expansion project was a significant effort and that under NEPA an Environmental Impact Statement, or EIS, would need to be prepared. In March of 2011 a Notice of Intent to prepare an EIS was published in the Federal Register and a formal scoping meeting was held in March of 2011. Since that time the NEPA team, consisting of Corps of Engineers, Mississippi Development Authority, National Marine Fisheries Service, and Atkins staff, have been coordinating with the Mississippi State Port Authority and other state and federal agencies to compile, review, and collect information to evaluate the proposed project and its potential effects. At this time we are working to prepare the Draft EIS for public review and comment.

Purpose and Need Poster:

Let's begin with the Port's purpose and need for the proposed Port of Gulfport Expansion Project. Essentially, the proposed expansion is intended to create operational efficiency and additional space for new tenants to operate at the Port and to increase the number of containers that move through the Port each year. This is referred to as Twenty Foot Equivalent Unit, or TEU, throughput. One standard shipping container that you would see on a train or truck is usually 40 foot long and counts as two TEUs. In general, the higher the TEU throughput, the higher the jobs and economic benefits generated.

The Port would like to implement the expansion project so they can increase throughput that would contribute to the long-term economic development in the state and in the region. The proposed expansion would allow the Port to bring in new tenants and grow in size and throughput resulting in additional jobs and other direct and indirect economic benefits. Because the Port is situated on land built in the Mississippi Sound, it has unique constraints to growth. Essentially, land must be built up in the Sound for the Port to grow. That is why the Port applied for the permit from the U.S. Army Corps of Engineers, so that they could build more upland to provide space for new tenants and increased TEU throughput.

Restoration vs. Expansion Project Features Poster:

Slide 1

The next two slides will show graphics that are on one of the posters here tonight. The intent of this poster is to clarify the differences between the ongoing Restoration Project and the proposed Expansion Project. Many of you are familiar with the Restoration Project, which is currently underway and will increase the size of the Port footprint by 84 acres and will raise the elevation of the West Pier to 25 feet above mean sea level. The footprint of that project is shown here in gray. The Restoration project was permitted in 1998 as an 84-acre expansion project and was under construction with approximately 60 acres completed when Hurricane Katrina impacted the area in 2005, causing significant damage. As part of the post-hurricane recovery effort, funding was provided to restore the damage to the 60-acre project and to elevate the West Pier to provide protection against future storm damage. I'm sure most of you know they have completed the addition of the 60 acres and completion of the remaining 24 acres of fill to the West Pier is currently underway. Work has also started to raise the elevation from 10 to 25 feet on the West Pier.

Slide 2

The proposed Expansion Project is the project we are here tonight to discuss. The footprint of the proposed Port expansion is shown here in yellow. We'll go through the specific components of the proposed Expansion Project on the next slide. The main point here is to show the difference between the ongoing Restoration Project and the proposed Expansion Project.

Although it's not shown on this slide, I would like to point out that the proposed Expansion Project footprint is significantly reduced from that proposed in the original permit application. This is because following notice of the permit application for the proposed Expansion Project submitted in March 2010, the Port decided to reduce the footprint of the proposed expansion in response to comments received from the public and state and federal agencies and per recent market studies. The expansion proposed in the original permit application was intended to increase throughput to up to 4 million TEUs per year and fill 700 acres of Mississippi Sound

water bottoms. The currently proposed project is intended to increase throughput to up to about 2 million TEUs per year and fill approximately 300 acres of water bottoms.

Proposed PGEP Project Features Poster-Graphic:

This poster shows the features of the proposed Expansion Project in blue. The features include expansion of the West Pier, North Harbor, East Pier, and Turning Basin and a proposed breakwater. These features would help to increase the capacity and efficiency of the Port of Gulfport and allow the Port to increase the amount of containers that pass through the Port each year.

Please note that the proposed Port of Gulfport Expansion Project does not include any modification to the existing federally authorized navigation channel. Thus, the ship channel would not be deepened or widened as part of this project. However, there are other studies currently underway that are considering modification to the Federal channel.

The West Pier expansion is intended for use as a container terminal for new tenants. It would add approximately 160 acres to the completed Restoration Project. As you can see from this 2010 aerial photograph, the 84-acre addition to the West Pier that is part of the Restoration Project, was under construction. The proposed Expansion Project would continue to build upon the West Pier, at 25 feet above mean sea level, further south into the Mississippi Sound. This addition to the West Pier would allow more berthing area for ships, more space for container processing and storage for additional tenants, and road and rail access for transferring containers to and from the Port.

The Expansion Project also includes an 85-acre expansion of the Gulfport Turning Basin to the south, adjacent to the extended West Pier. The expanded turning basin would be dredged to a depth of 36 feet, consistent with the existing federally authorized turning basin. The Port would be responsible for dredging the turning basin expansion and maintaining it at the needed depth. It would not be part of the Federal Turning Basin that is maintained by the U.S. Army Corps of Engineers. This new turning basin expansion would allow ships to use the expanded West Pier.

The East Pier Expansion would extend the existing East Pier further south into the Mississippi Sound. It is expected to be about a 15-acre expansion that would provide for additional rail operations and warehouse storage.

The North Harbor Fill area is about 9 acres. It would create an upland area where the Copa Casino barge used to be in the North Harbor. The fill area would be used as a new berthing area for ships.

The breakwater to the east of the Federal Navigation Channel would provide wave protection to the extended West Pier. The design of the breakwater was tested in ship simulations by pilots that regularly navigate the channel. The break in the structure also provides access for shallow-draft vessels from Bert Jones Yacht Basin to the Federal Navigation Channel.

I want to note that as a result of the project approximately 7.4 million cubic yards of sediment would be dredged from the Mississippi Sound for construction. This material would be used as fill for expansion of the West Pier, placed in designated beneficial use sites, or placed in an approved Ocean Dredged Material Disposal Site. Additionally, it is expected that approximately 300,000 to one million cubic yards of material would be dredged over a 50-year period to maintain the expanded turning basin. This material would be placed in a designated beneficial use site or placed in an approved Ocean Dredged Material Disposal Site.

Alternatives Poster (Text):

As part of the NEPA process, the NEPA team conducted a thorough evaluation of other projects being constructed, permitted, or proposed in the vicinity of the Port and evaluated them to determine how they should be addressed in the Environmental Impact Statement. Three projects were identified as relevant to the Expansion Project: the Restoration Project, the I-310 MDOT project (also known as Highway 601 or the Port Connector Road), and the KCS Rail Improvements Project. Because of the status of each of these projects in regards to where they were in the permitting and/or construction phase, how they were incorporated into regional planning documents, and when each project was expected to be complete, they were all rolled into the No-Action Alternative. This means that in the proposed Port of Gulfport Expansion Project EIS, it is assumed that each of these other three efforts would move forward and be constructed, regardless of whether the proposed Expansion Project is implemented or not.

Let me explain further. NEPA requires the EIS to describe the existing environment and then, in order to address potential impacts of the proposed action, a scenario is presented that looks forward in time, assuming the proposed expansion project is not constructed. This is called the No-Action Alternative. Then other scenarios are presented looking forward in time, assuming the proposed expansion project and possibly alternatives to the proposed expansion project are constructed. Comparison of impacts from the action alternatives can then be made to the No-Action Alternative so that the differences between constructing the proposed project or not can be clearly seen.

In the case of the proposed Expansion Project, it is assumed for the No-Action Alternative and all of the action alternatives, that the three efforts listed above (the Restoration Project, I-310 MDOT Project, and KCS Rail Improvements Project) have been constructed as permitted and are in place and functional.

For the No-Action Alternative, it is assumed that the permit for construction of the expansion is denied by the U.S. Army Corps of Engineers. Therefore, a future scenario is envisioned that assumes completion of the Restoration Project, I-310 MDOT Project, and the KCS Rail Improvements Project but without the proposed Expansion Project. In this alternative the Port would operate at between 250,000 and 400,000 TEU throughput each year.

The other two alternatives evaluated in the EIS are action alternatives. Both alternatives assume that the three projects are in place, just as for the No-Action Alternative, but they also add the Expansion Project in two forms. The first alternative assumes that the Expansion Project is permitted and operates at a medium efficiency, increasing TEU throughput beyond that anticipated for the Restoration Project. This medium level of efficiency combined with the extra tenant space provided for by the expansion would allow the Port to operate at up to about 1.2 million TEU throughput each year.

The second action alternative also assumes that the three projects are in place and that the Expansion Project is permitted and constructed and that it would operate at a level of efficiency higher than the first action alternative. This level of efficiency would be achieved by slightly reconfiguring the tenants on the space and increasing the level of automation at the Port. Such changes would allow the Port to operate at between 1.7 and 2 million TEU throughput each year.

No-Action Alternative Poster:

As you can see in this figure of the No-Action Alternative, it is assumed that the Restoration Project is complete and that the existing tenants are configured for wheeled and stacked handling of containers. Chiquita and Dole would both continue to operate using wheeled containers, loading the containers from the ships to be placed in the container yard without stacking containers on top of each other and using wheeled carts to move the containers around on the yard and to trucks or rail to be moved off the Port. Note that Crowley and the new tenant on Terminal #4 would use a stacked container operation in which containers are double stacked in the yard and are moved using rail-mounted gantry cranes to load and off-load ships. Also note that the improved rail line is shown in its existing alignment and that the I-310 MDOT road is expected to cross over Highway 90 at approximately 29th street.

Alternative 1 Poster:

The first action alternative is shown here. It's referred to as Alternative 1 and as previously mentioned it assumes a medium level of efficiency. As you can see, the footprint of the Restoration Project is configured the same as described for the No-Action Alternative, assuming the same tenants would occupy the space using the same type of operation. For this alternative it is assumed that the extended portion of the West Pier would provide concession space for

new tenants with stacked container operation, the same type of operation as used by Crowley. You can see additional rail-mounted gantry cranes used for loading and off-loading ships and the covered chasis storage area adjacent to the extended road and rail facilities. Wheeled chasis would be used to transfer containers to or from the container stacks to trucks or trains to be transported to or from the Port. This proposed layout assumes that all berths would be utilized as common berths. This extended West Pier would increase TEU throughput up to about 1.2 million TEUs per year by reducing handling times and increasing tenant space.

Alternative 2 Poster:

The second action alternative is referred to as Alternative 2 and as I mentioned before it assumes a higher level of automation and efficiency than Alternative 1. As you can see, the footprint is the same size as Alternative 1 but the operation on the West Pier extension is assumed to be a semi-automated operation instead of a stacked operation. Additionally, there is a staging area for loading and unloading between the container stacks and the road and rail system. For this alternative there is no warehouse shown on the northern end of the West Pier, which would provide increased space for wheeled containers. With this tenant layout and level of automation the extended West Pier would increase TEU throughput up to about 1.7 to 2 million TEUs per year.

Special Studies Poster:

Slide 1

Since preparation of the EIS for the proposed Expansion Project began, the NEPA team has been working to review, compile, process, and collect data to evaluate the potential impacts associated with the proposed Port expansion. To date, we have identified certain topics that have required additional study to properly assess project-related effects. For ease of viewing, I've split this poster into two slides.

Working with the National Marine Fisheries Service, we have conducted a benthic sampling study in which we sampled the sediment in the Mississippi Sound around the Port. The purpose of the study was to determine if the area was suitable for Gulf sturgeon, which is a federally protected species, or if the area included is what's called Essential Fish Habitat by National Marine Fisheries Service, meaning it provides food or shelter for important species found within the Gulf. These data have been collected and processed and we are currently preparing a report that will outline the results and recommendations from the study, which will be incorporated into the EIS.

Another study being done based on coordination with the National Marine Fisheries Service is a tagging and monitoring program for Gulf Sturgeon. This two-year study will begin in the next

couple of months and includes placing up to 40 electronic tags in young Gulf sturgeon and setting up about 19 receivers around the Port and between the Port and the Pascagoula and Pearl Rivers. This study will allow us to determine if Gulf sturgeon are crossing through the area so we can better understand how the proposed expansion might impact this endangered fish. This study will continue through the end of 2014 and results will be incorporated into the Final EIS and Record of Decision, as appropriate.

We've also determined the need to conduct a new road and rail traffic study to evaluate potential impacts resulting from the proposed Port Expansion. It is logical to assume that increased container throughput at the Port would result in more truck and train trips into and out of the Port facilities. Keep in mind that our look forward at impacts from the proposed expansion assumes that the I-310 MDOT project is completed and functional, as approved in their NEPA document, and that the KCS rail improvements have been completed, as approved in their NEPA documentation. The traffic study we will be conducting will include collecting current, real-time traffic counts at certain intersections in Gulfport that are most likely to be impacted by the proposed project. Engineers will then use existing regional traffic forecasts to determine what traffic would be for the No-Action Alternative, without the proposed expansion. They will then use container volume projections for Alternative 1 and Alternative 2, and forecast traffic associated with each into the future. By comparing this information to the No-Action Alternative, we will be focusing on the incremental difference in forecasted traffic between the future with and without the project. This traffic study will also include a projection of Port employee traffic. Highway capacity, traffic delays, and safety will be evaluated looking into the future at the years 2020, 2040, and 2060. The traffic study will also consider potential traffic impacts during construction of the proposed Port Expansion Project, taking into consideration construction employee traffic and traffic associated with transporting materials to the site via road or rail. Results of this study will be incorporated into the EIS.

Slide 2

Although air emissions studies have been done for the area, such as the emissions modeling that was done by MDEQ for the I-310 MDOT Project, none of them focused on the impact associated with the proposed port expansion, using the same container throughput and traffic volumes we are considering at this time. While this information is useful and will be used to the extent practical in the evaluation presented in the EIS, it was determined a separate analysis of air emissions needed to be conducted for evaluation of impacts specific to the proposed Expansion Project being considered by the Corps of Engineers. Therefore, using traffic forecasts from the traffic analysis, an air emissions study will be conducted. Like the traffic study, this study will assume that the I-310 MDOT project and the KCS rail project are constructed as permitted, in place, and functioning. The air emissions study will focus on construction and

operation of the expanded Port and, like the traffic study, will only consider the impacts associated with the proposed Port Expansion. To consider construction-related impacts, the analysis will look at air emissions from all construction equipment, both land-based and dredging, as well as construction workers and supplies traveling to and from the job site. Consideration of operational air emissions will take into account on-site facility emissions from large equipment such as cranes, emissions from ships, trucks, and trains transporting goods to and from the Port, and emissions from Port employee vehicles. The specific emissions studied will include those for which National Ambient Air Quality Standards have been established, like ozone, carbon monoxide, lead, and particulate matter, typical mobile air toxins like benzene, and formaldehyde, and greenhouse gasses associated with vehicle emissions, like carbon dioxide. Results of this study will be used in the EIS to determine impacts for the No-Action and the two action alternatives. As done for traffic, this will provide a look into the future both with and without the proposed Port expansion.

The EIS will also include an expanded evaluation of potential impact to areas designated as low-income or minority. This evaluation will provide a community-based analysis and will take into consideration issues such as air-quality, traffic, noise, and economics.

In addition to the studies I've already mentioned, the EIS will also include results of a container volume projection study and an economic impact study. The container volume study considers current container markets in the Gulf, takes into consideration ongoing efforts such as the expansion of the Panama Canal, and estimates potential future TEU throughput at the Port of Gulfport. To be consistent with typical U.S. Army Corps of Engineers planning guidelines, the study looks approximately 50 years into the future, which for our project that would be until about 2060. This container study describes four different potential future scenarios at the Port of Gulfport: a baseline projection, which is equivalent to the No-Action Alternative; a low-growth scenario, which assumes a lower growth rate than is currently expected based on existing markets and forecasts; a high growth scenario, which is consistent with Alternative 1; and an optimistic growth scenario, which is consistent with Alternative 2.

The economic impact study considers the No-Action and two action alternatives and estimates job creation and revenue from construction and operation of the proposed expansion project. The study is based on previous economic studies and projections done at Gulfport and other ports such as New York, Los Angeles, and Long Beach. It is also based on a Port Economic Impact Kit developed at the University of Southern California and uses tools typical to the industry, such as a program called IMPLAN, to project direct, indirect, and induced jobs that could be expected from the proposed Expansion Project. Results of both of these studies will be included in the EIS.

Progress to Date Poster:

These last two slides show a timeline of what we have accomplished so far, the remaining steps to complete the NEPA process, and final steps to get to the decision by the U.S. Army Corps of Engineers whether or not to issue the requested permit.

As you can see here, this process was initiated in the fall of 2010. Since then, as I've mentioned, we have been collecting and evaluating existing information, conducting public involvement efforts such as the scoping meeting in spring of 2011 and this public workshop, evaluating existing conditions, developing alternatives to be considered in the EIS, and identifying the need for special studies.

Looking Forward Poster:

From this point on, we will continue efforts to evaluate potential impacts associated with the proposed Port of Gulfport Expansion Project to complete a Draft EIS for public and agency review. Upon completion of the Draft EIS, which is currently expected to be about this time next year, there will be a comment period and a public hearing. The comment period and public hearing will provide an opportunity for agencies and the public to submit formal comments on the proposed project and the information presented in the Draft EIS. We will then take about another year to process the comments received, prepare responses to the comments and revise the EIS as appropriate. The Final EIS will then be published for agency and public review and comment. This will be the final opportunity to submit formal comments. Those comments will be addressed in the Record of Decision, which will include the Corps' decision regarding whether or not to issue the requested permit. Up until about six months prior to the expected decision, which is currently anticipated in spring of 2015, we will be conducting special studies, such as the Gulf sturgeon study, to adequately address comments and evaluate the proposed expansion project.

This concludes the formal presentation and I'll turn it back over to Mr. Young. Thank you.

Appendix H4

Scoping Meeting 2013

Dated: May 3, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

DELETION:

F036 AFPC N

SYSTEM NAME:

Air Force Personnel Test 851, Test
Answer Sheets (January 22, 2009, 74 FR
4012).

REASON:

This is a duplicate system of records;
active records are covered under SORN
F036 AFPC K, Enlisted Promotion
Testing Record (March 21, 2013, 78 FR
17386). Therefore, SORN F036 AFPC N,
Air Force Personnel Test 851, Test
Answer Sheets, can be deleted.

[FR Doc. 2013-10983 Filed 5-8-13; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

**Department of the Army, Corps of
Engineers**

**Modification of Permit Application and
Intent for Additional Public Scoping for
an Environmental Impact Statement for
the Port of Gulfport Expansion Project,
Harrison County, Mississippi
(Department of the Army Permit
Number SAM-2009-1768-DMY)**

AGENCY: U.S. Army Corps of Engineers,
DoD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of
Engineers, Mobile District (USACE)
announces a modification to a project
proposed by the Mississippi State Port
Authority (MSPA) for which an
Environmental Impact Statement (EIS)
is being prepared. The Mississippi
Development Authority (MDA) and the
National Marine Fisheries Service
(NMFS) are cooperating agencies in the
preparation of the EIS. The proposed
port expansion project involves
impacting up to 200 acres of open-water
bottom in the Mississippi Sound from
the construction of wharfs, bulkheads,
terminal facilities, container storage
areas, intermodal container transfer
facilities, dredging and dredged material
disposal and infrastructure, and
construction of a breakwater of
approximately 4,000 linear feet. The
recently received permit application
modification proposes additional
dredging and dredged material
placement to modify the Gulfport
Harbor Federal Navigation Channel
(FNC) for a length of approximately 20
miles from the current federally

authorized dimensions. The federally
authorized turning basin would also be
modified, as would the proposed
turning basin expansion. The proposed
project will include modifications to the
authorized FNC and other navigation
features to support a navigable channel
depth of up to 47 feet in the Mississippi
Sound and 49 feet in the Bar Channel
plus advance maintenance and
allowable over depth requirements.
Modification to navigation features
adjacent to the port facilities include
deepening the existing Federal turning
basin area and port berthing areas, a
turning basin expansion, and new
berthing areas. Widening the channel
may be requested based on results of
planned ship simulations. Final channel
design and associated environmental
impacts will be addressed during the
permitting and EIS process. The EIS will
evaluate the effects of construction and
long term effects of the proposed
expansion and channel modification,
including placement of new work and
maintenance dredged material in
beneficial use sites or other placement
areas, such as open water and ocean
dredged material disposal sites.

Alternatives to the proposed action will
be evaluated in the EIS, which will
assist the USACE in deciding whether to
issue a Department of the Army permit.

The purpose of this Notice of Intent
is to inform and educate the public of
changes to the proposed project; invite
public participation in the EIS process;
announce the plans for an additional
public scoping meeting; solicit public
comments for consideration in
establishing the scope and content of
the EIS; and provide notice of potential
impacts to open-water benthic and other
habitats potentially impacted by the
project.

DATES: A scoping meeting will be held
on May 21, 2013. Comments will be
accepted in written format at the
scoping meeting or via mail/email until
June 17, 2013. To ensure consideration,
comments should be post-marked by
this date. Late comments will be
considered to the extent practicable.

ADDRESSES: The scoping meeting will be
held at the Courtyard Marriott Gulfport
Beachfront Hotel, 1600 East Beach
Boulevard, Gulfport, MS. Written
comments regarding the proposed EIS
scope or permit application
modifications should be addressed to
Mr. Damon M. Young, P.G. USACE,
Mobile District, Post Office Box 2288,
Mobile, Alabama 36628. Individuals
who would like to electronically
provide comments should contact Mr.
Young by electronic mail:
port.gulfporteis@usace.army.mil.

FOR FURTHER INFORMATION CONTACT: For
information about this project, to be
included on the mailing list for future
updates and meeting announcements, or
to receive a copy of the DRAFT EIS
when it is issued, contact Damon M.
Young, P.G., at the USACE at (251) 694-
3781 or the address provided above. Mr.
Ewing Milam, at the MDA can also be
contacted for additional information at
P.O. Box 849, Jackson, Mississippi
39205-0849, telephone (601)-359-2157
or by electronic mail at
emilam@mississippi.org.

SUPPLEMENTARY INFORMATION:

1. *Background:* The Gulfport Harbor
Navigation Project was adopted by the
Rivers and Harbors Act approved on
July 3, 1930 (House Document Number
692, 69th Congress, 2nd session) and the
Rivers and Harbors Act approved on
June 30, 1948 (House Document
Number 112, 81st Congress, 1st session).
Construction of the existing Gulfport
Harbor commenced in 1932 and was
completed in 1950. The FNC is
approximately 20 miles in length,
including 11 miles of channel in the
Mississippi Sound (Sound Channel), 2
miles of Bar Channel, and 7 miles of
channel in the Gulf of Mexico (Gulf
Channel). Authorization to conduct
improvements to the harbor was issued
in the Fiscal Year 1985 Supplemental
Appropriations Act (Pub. L. 99-88). The
Water Resources Development Acts
(WRDAs) 1986 and 1988 further
modified the previous authorization to
cover widening and deepening and thin-
layer disposal, respectively. The
authorized deepening was completed in
1993. In 2012 the channel was widened
to the federally authorized dimensions.
The navigation channel is currently
federally authorized at 36 feet deep and
300 feet wide in the Sound Channel and
38 feet deep and 400 feet wide in the
Bar and Gulf Channels. The Port's North
Harbor (Inner Harbor) is authorized at a
depth of 32 feet and the South Harbor
(Outer Harbor) and Gulfport Turning
Basin are authorized at a depth of 36
feet. A Department of the Army Permit
MS96-02828-U was issued in 1998
authorizing an 84-acre expansion to fill
the West Pier to construct new tenant
terminals and infrastructure. Phases I
and II of that project are complete and
Phase III is currently under
construction.

2. *Location:* The proposed Port of
Gulfport Expansion Project is located in
the City of Gulfport, Harrison County,
Mississippi. The proposed project is
approximately 80 miles west of Mobile,
Alabama, and 80 miles east of New
Orleans, Louisiana. The Port
encompasses approximately 184 acres

and is located within 5 miles of the Gulf Intracoastal Waterway (GIWW) and approximately 7 miles south of Interstate Highway 10. The FNC runs from the Port, between Cat and West Ship islands (in Ship Island Pass) into the Gulf of Mexico and is approximately 20 miles long.

3. *Work:* The proposed project involves filling of up to 200 acres of open-water bottom in the Mississippi Sound, the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, expansion of the existing turning basin, dredging and dredged material disposal and infrastructure, and construction of a breakwater of approximately 4,000 linear feet. The proposed expanded port facility will be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The permit application modification for the proposed project includes deepening and possible widening of the existing FNC from the federally authorized dimensions. The federally authorized turning basin would also be modified, as would the proposed adjacent turning basin expansion. A Department of the Army permit is required for the proposed project, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1251), Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), and Section 103 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401–1445, 16 U.S.C. 1431 et seq., also 33 U.S.C. 1271).

An EIS is being prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), and the Council on Environmental Quality NEPA regulations (40 CFR Parts 1500–1508) to assess the potential environmental impacts associated with the construction, operation, and maintenance of the proposed project as submitted and modified by the MSPA.

4. *Need:* According to the MSPA, this project will contribute to the long-term economic development of Mississippi and the Gulf Coast region by expanding the Port footprint and facilities to increase cargo throughput, provide additional employment opportunities, and to increase the economic benefits produced by the Port. This project is needed to expand the Port's current footprint, thus providing an opportunity to increase the Port's capacity for moving cargo and growing. Specific alternatives are being developed as part of the EIS process and feedback provided during the additional scoping meeting will be taken into consideration.

5. *Affected Environment:* Environmental characteristics that may be affected by the proposed project include geological, chemical, biological, physical, socioeconomic, and commercial and recreational activities. Offshore, the navigation channel extends 20 miles south into the Gulf of Mexico, passing close to the western end of Ship Island. On-shore, the regional environment is characterized as Coastal Lowlands, and the shore area, where not developed, consists typically of gently undulating swampy plains. The beach area is man-made and bordered by constructed seawalls. The existing Port, as part of the man-made environment of Gulfport, is constructed on fill material. The Gulfport area is well developed. Beyond the seawalls are extensive commercial and residential developments. The nearshore and offshore area is known for its valuable resources as a productive fishery and is also utilized extensively for commercial and recreational shipping and boating.

6. *Applicable Environmental Laws and Policies:* The proposed project could result in both beneficial and negative environmental impacts. These impacts will be evaluated in the EIS in accordance with applicable environmental laws and policies, which include NEPA; WRDA; Endangered Species Act; Clean Water Act; Clean Air Act; U.S. Fish and Wildlife Coordination Act; National Historic Preservation Act; Coastal Barrier Resources Act; Magnuson–Stevens Fishery Conservation and Management Act; Coastal Zone Management Act; Marine, Protection, Research, and Sanctuaries Act; Rivers and Harbors Act; National Marine Sanctuaries Act; Fishery Conservation Act; Marine Mammal Protection Act; Executive Order 12898, Environmental Justice in Minority Populations and Low-Income Populations; Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risk (among other Executive Orders); and Ports and Waterways Safety Act.

7. *Preliminary Identification of Environmental Issues:* The following list of environmental issues has been tentatively identified for analysis in the EIS. This list was developed during preliminary internal scoping, through previous public scoping efforts, and from information from similar projects, and is neither intended to be all inclusive nor a predetermined set of potential impacts. It is presented to facilitate public comment on the planned scope of the EIS. Additions to or deletions may occur as a result of the public scoping process. Preliminary identified environmental issues include

but are not limited to the loss of aquatic resources (impact to potential submerged and shoreline aquatic habitat); water quality; salinity and flows; sediment transport and currents; threatened and endangered species (including critical habitat and essential fish and shellfish habitat); air quality; traffic; socioeconomic; and impacts to low income and minority populations. The evaluation will consider alternatives, secondary and cumulative impacts, and mitigation.

8. *Scoping meeting:* A public scoping meeting was held in spring of 2011 in Gulfport, Mississippi to solicit comments from the public and agencies in regards to the original permit application and proposed project. To ensure that all of the issues related to this proposed project and permit action modification are addressed, the USACE will conduct an additional public scoping meeting in which agencies, organizations, and members of the general public are invited to present comments or suggestions with regard to the range of actions, alternatives, and potential impacts to be considered in the EIS, given the proposed project changes. The scoping meeting will be held at the Courtyard Marriott Gulfport Beachfront Hotel, 1600 East Beach Boulevard, Gulfport, MS, on May 21, 2013. The scoping meeting will begin with an informal open house from 5:30 p.m. to 6:30 p.m. followed by a formal presentation of the proposed permit action and modifications. Comments will be accepted following the formal presentation until 8:00 p.m. Displays and other forms of information about the proposed action and modifications will be available, and the USACE, the MSPA and the MDA personnel will be present at the informal session to discuss the proposed project and modifications and the EIS Process. The USACE invites comments on the proposed scope and content of the EIS from all interested parties. Verbal or written comments will be taken at the scoping meeting following the formal presentation until 8:00 p.m. A time limit will be imposed on verbal comments, as necessary. If hearing impaired or language translation services are needed, please contact Damon M. Young, P.G., at the USACE at (251) 694–3781, at port.gulfporteis@usace.army.mil, or at the street address provided above.

9. *Draft EIS:* It is anticipated that a Draft EIS will be made available for public review in early calendar year 2014. A public hearing will be held during the public comment period for the Draft EIS.

Approved By:
Craig J. Litteken,
Chief, Regulatory Division.
 [FR Doc. 2013–11038 Filed 5–8–13; 8:45 am]
BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2013–0013]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to delete a System of Records.

SUMMARY: The Department of the Navy is deleting a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on June 10, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before June 10, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal:* <http://www.regulations.gov>.

Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Patterson, HEAD, FOIA/Privacy Act Policy Branch, Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350–2000, or by phone at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**. The proposed deletion is not within the purview of subsection (r) of

the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: May 2, 2013.

Aaron Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

DELETION:

N05100–3

Safety Equipment Needs, Issues, Authorizations (May 9, 2003, 68 FR 24959).

REASON:

Records are covered under NM05100–5, Enterprise Safety Applications Management Systems (ESAMS) (March 25, 2011, 76 FR 16739); therefore, N05100–3, Safety Equipment Needs, Issues, Authorizations can be deleted.

[FR Doc. 2013–10984 Filed 5–8–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; National Institute on Disability and Rehabilitation Research—Traumatic Brain Injury Model Systems Centers Collaborative Research Project

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information

National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Projects—Traumatic Brain Injury Model Systems Centers Collaborative Research Projects; Notice inviting applications for new awards for fiscal year (FY) 2013.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A–7.

DATES:

Applications Available: May 9, 2013.
Date of Pre-Application Meeting: May 30, 2013.

Deadline for Transmittal of Applications: July 8, 2013.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including

international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Disability and Rehabilitation Research Projects (DRRPs)

The purpose of NIDRR's DRRPs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to improve the effectiveness of services authorized under the Rehabilitation Act by developing methods, procedures, and rehabilitation technologies that advance a wide range of independent living and employment outcomes for individuals with disabilities, especially individuals with the most severe disabilities. DRRPs carry out one or more of the following types of activities, as specified and defined in 34 CFR 350.13 through 350.19: Research, training, demonstration, development, utilization, dissemination, and technical assistance.

An applicant for assistance under this program must demonstrate in its application how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds (34 CFR 350.40(a)). The approaches an applicant may take to meet this requirement are found in 34 CFR 350.40(b). Additional information on the DRRP program can be found at: www.ed.gov/rschstat/research/pubs/res-program.html#DRRP.

Priorities: This notice contains two absolute priorities for this competition. Priority 1, the *DRRP Priority for the Traumatic Brain Injury Model Systems Centers Collaborative Research Projects* is from the notice of final priority for this program, published elsewhere in this issue of the **Federal Register**. Priority 2, the *General DRRP Requirements* priority, which applies to DRRP competitions, is from the notice of final priorities for the Disability and Rehabilitation Research Projects and Centers Program, published in the **Federal Register** on April 28, 2006 (71 FR 25472).

Absolute Priorities: For FY 2013 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under



REPLY TO
ATTENTION OF:

**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

CESAM-RD-M

May 2, 2013

**PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
MOBILE DISTRICT**

**SCOPING MEETING
FOR THE
PROPOSED PORT OF GULFPORT EXPANSION PROJECT, HARRISON COUNTY,
MISSISSIPPI
ENVIRONMENTAL IMPACT STATEMENT**

TO WHOM IT MAY CONCERN:

Notice is hereby given that the U.S. Army Corps of Engineers (USACE), Mobile District, in coordination with the Mississippi State Port Authority (MSPA), has scheduled a public open house and scoping meeting on May 21, 2013, at the Courtyard Marriott Gulfport Beachfront Hotel, 1600 East Beach Boulevard, Gulfport, MS. The open house will begin at 5:30 pm followed by a formal presentation at 6:30pm. Comments will be accepted at the meeting until 8:00 pm.

The purpose of the meeting is to receive public input concerning the scope and alternatives to be considered in the Environmental Impact Statement (EIS) for the Department of the Army Permit Application **SAM-2009-1768-DMY** for the Port of Gulfport Expansion Project, Harrison County, Mississippi. The USACE is the lead federal agency with the responsibility of evaluating the environmental impacts of the proposed project for the applicant, the Mississippi State Port Authority, and is preparing the EIS in accordance with National Environmental Policy Act requirements. The Mississippi Development Authority and the National Marine Fisheries Service are cooperating agencies for the preparation of the EIS. A Department of the Army permit is required for the proposed project, pursuant to Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act.

The proposed project as described in the permit application which was filed on March 17, 2010, included filling approximately 700 acres of open-water benthic habitat. Since submitting the application, Mississippi State Port Authority has modified the proposed project footprint to reduce the overall potential fill required for implementation (see attached figure). The revised proposed project involves impacting up to 200 acres of open-water bottom in the Mississippi Sound from the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities, dredging and dredged material disposal and infrastructure, and construction of a breakwater of approximately 4,000 linear feet. The proposed expanded port facility will be elevated 25 feet above sea level to provide protection against future tropical storm surge events. The permit application modification for the proposed project includes deepening and possible widening of the existing Gulfport Harbor Federal Navigation Channel (FNC) from the federally authorized dimensions. These modifications will include the navigation channel from the Gulf to the port facilities to support a navigable channel depth of up to 47 feet in the Mississippi Sound and up to 49 feet in the Bar Channel plus advance maintenance and allowable over depth requirements. Widening the channel may be

SUBJECT: SAM-2009-1768-DMY, Mississippi State Port Authority

requested based on results of planned ship simulations. The federally authorized turning basin would also be modified, as would the proposed adjacent turning basin expansion. The depth of these features will be appropriate to the deeper navigation channel. Final channel design and associated environmental impacts will be addressed during the permitting and EIS process.

According to the MSPA, this project will contribute to the long-term economic development of Mississippi and the Gulf Coast region by expanding the Port footprint and facilities to increase cargo throughput, provide additional employment opportunities, and to increase the economic benefits produced by the Port. Specific alternatives are being developed as part of the EIS process and feedback provided during the additional scoping meeting will be taken into consideration.

The proposed project could result in both beneficial and negative environmental impacts. These impacts will be evaluated in the EIS in accordance with applicable environmental laws and policies. Environmental characteristics that may be affected by the proposed project include geological, chemical, biological, physical, socioeconomic, and commercial and recreational activities.

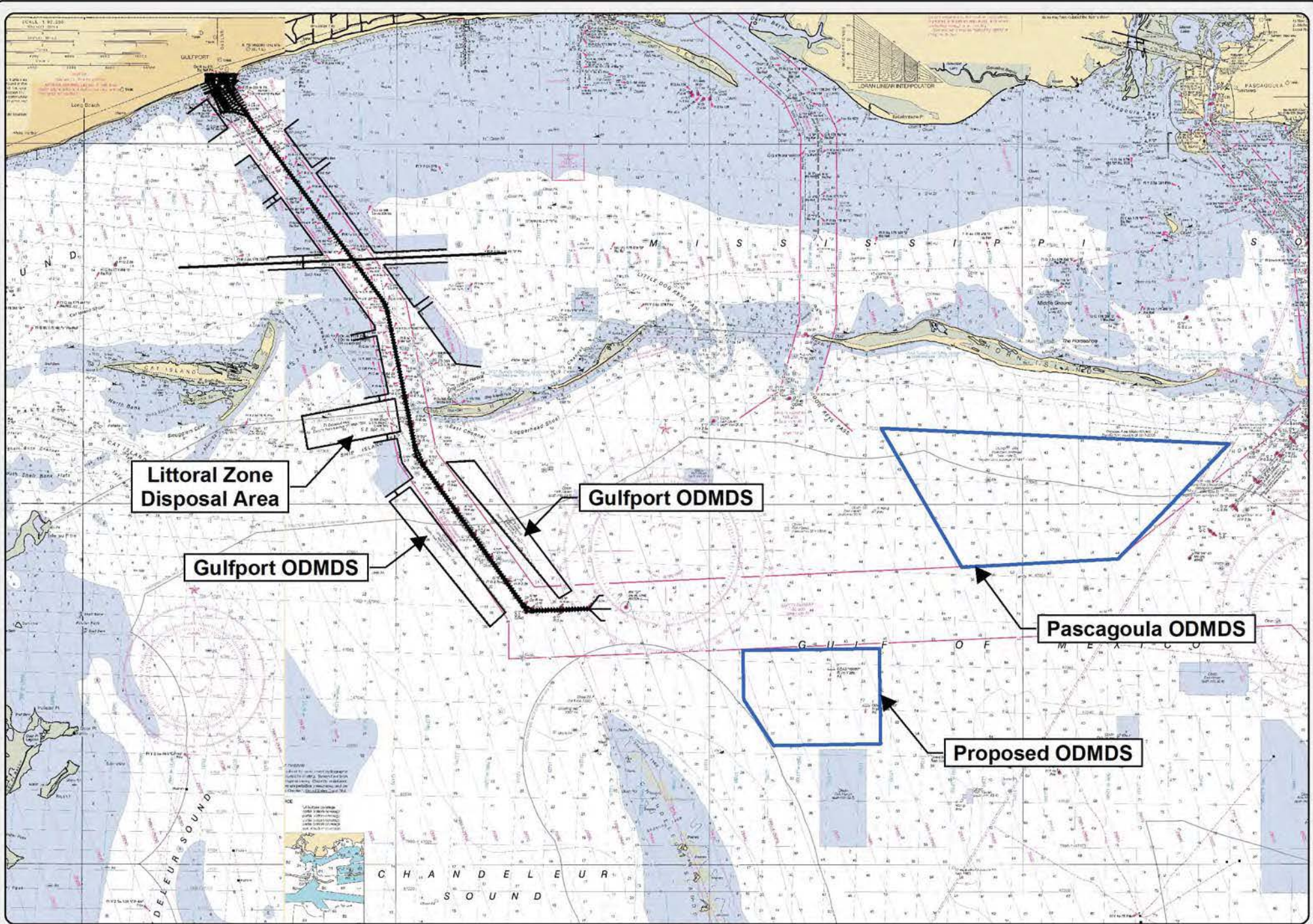
The meeting agenda includes an open house with opportunities for discussions with project personnel, followed by staff presentations and a comment session. Verbal and written comments may be made at the meeting, or written comments may be provided via mail through the end of the official comment period (see below). All interested individuals are invited to attend. The scoping meeting will be conducted in English. If hearing impaired or language translation services are needed, please contact Mr. Damon M. Young, P.G., at the USACE (251) 694-3781, or at Port.GulfportEIS@usace.army.mil, or at the mailing address provided below by May 14, 2013.

Written comments can also be emailed to the project at port.gulfporteis@usace.army.mil, or mailed to: Mr. Damon M. Young, P.G. USACE - Mobile District, Post Office Box 2288, Mobile, Alabama 36628. To comment online, visit the project website at <http://www.portofgulfporteis.com/>. The deadline for submitting scoping comments is June 17, 2013.

It is anticipated that a Draft EIS will be made available for public review in early 2014. A public hearing will be held during the public comment period for the Draft EIS.

FOR FURTHER INFORMATION CONTACT: For information about this project, to be included on the mailing list for future updates and meeting announcements, or to receive a copy of the draft EIS when it is issued, contact Mr. Damon M. Young, P.G., at the USACE (251) 694-3781 or the address provided above. Mr. Ewing Milam, at the MDA can also be contacted for additional information at Post Office Box 849, Jackson, Mississippi, 39205-0849, telephone (601) 359-2157 or by electronic mail at emilam@mississippi.org.

For additional information about our Regulatory Program, please visit our web site at: <http://www.sam.usace.army.mil/Missions/Regulatory.aspx> and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.



VOLKERT

0 2 4 Miles
1 inch = 4 miles

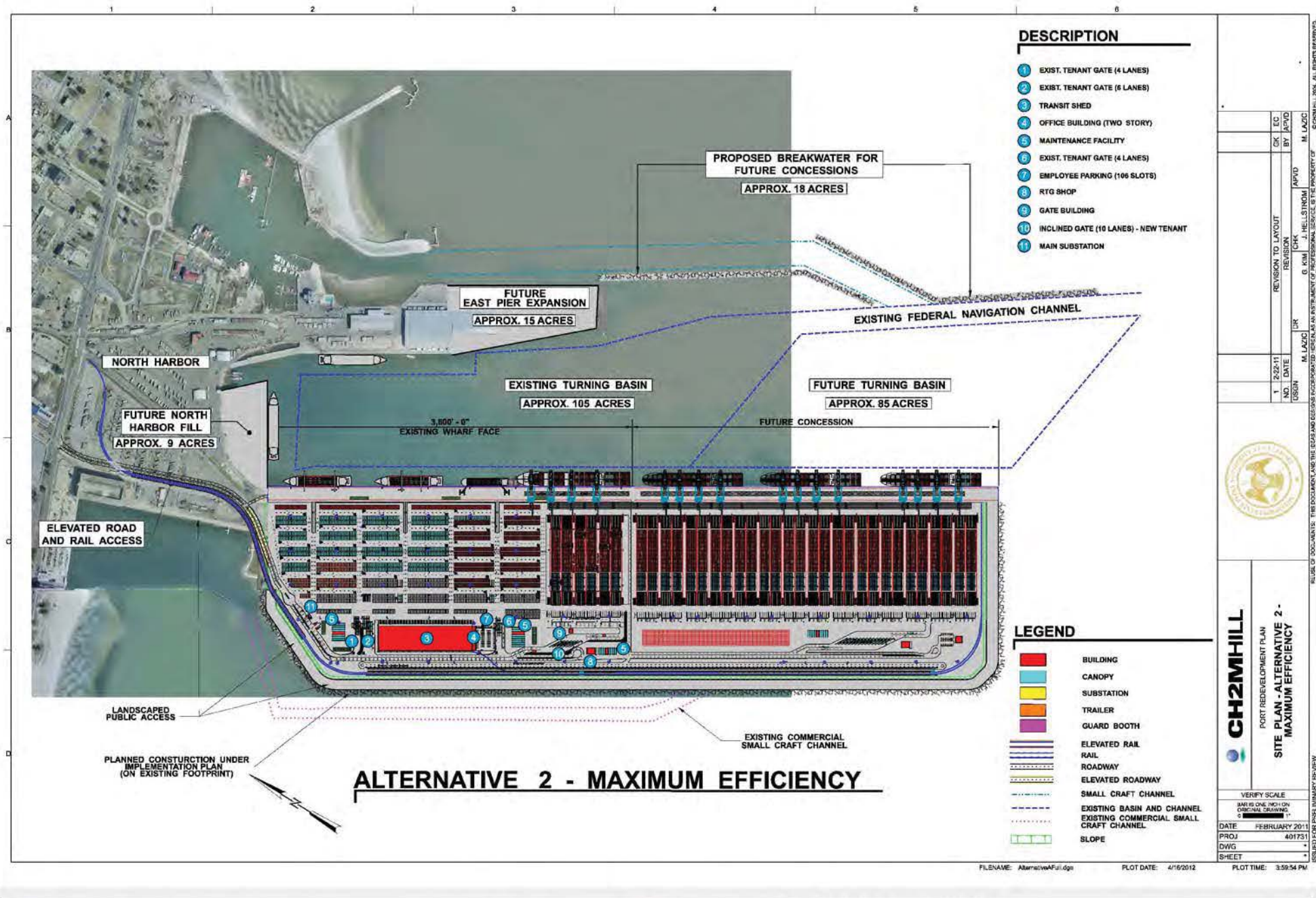


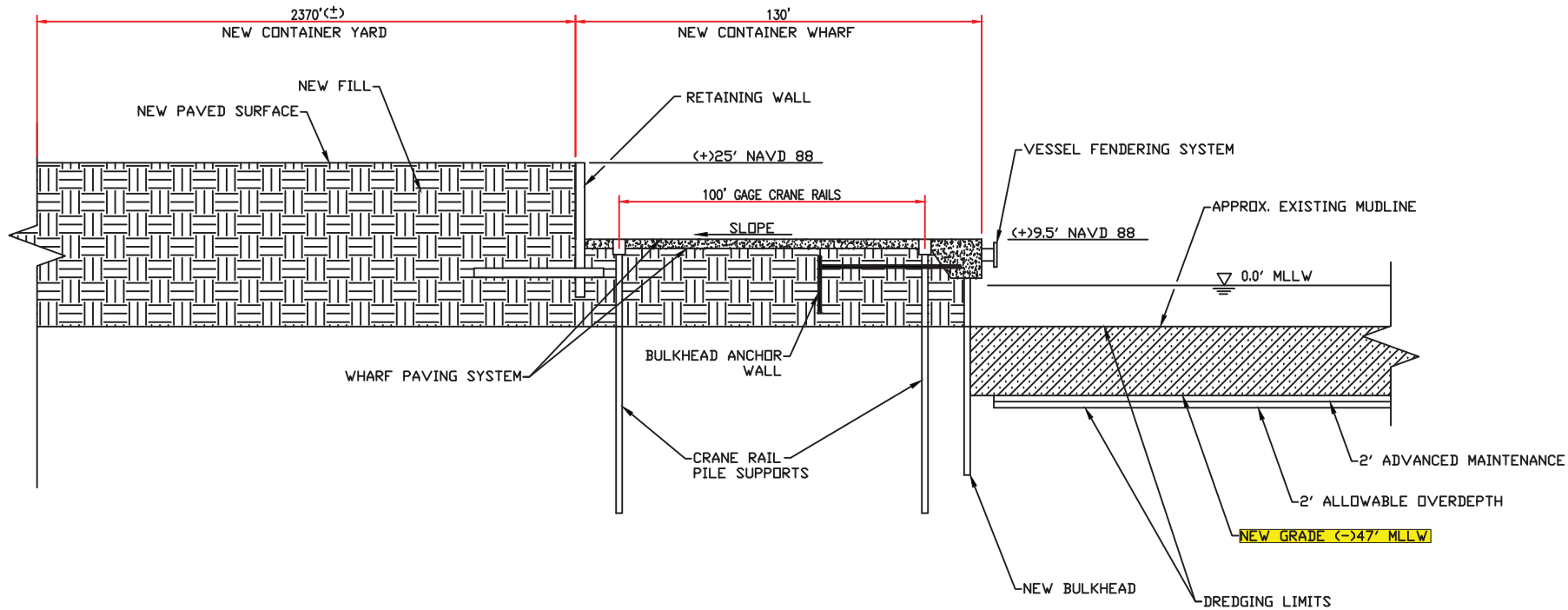
Note: This map is for presentation use only
and not to be used for construction purposes.

REVISED FIGURE

Figure 6




**Ocean Dredge Material Disposal Sites
and Littoral Zone Disposal Area**

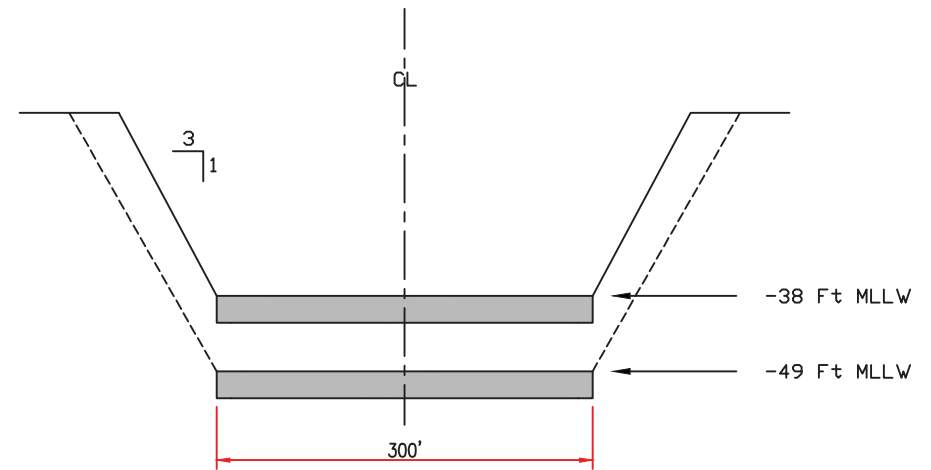




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LEGEND

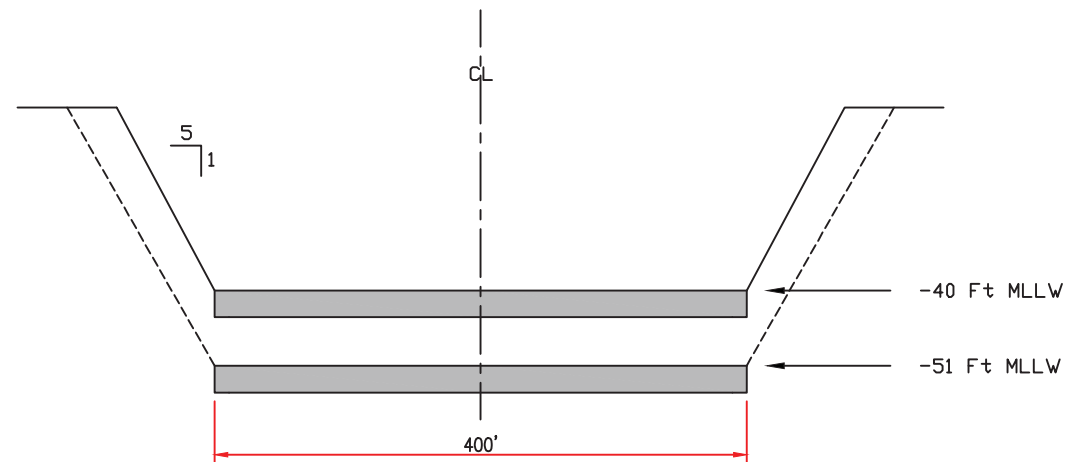
-  2 Ft Allowable Overdepth
 Existing Required Dredging Prism
 Proposed Dredging Prism



Gulfport Sound Channel Typical Section
Not To Scale

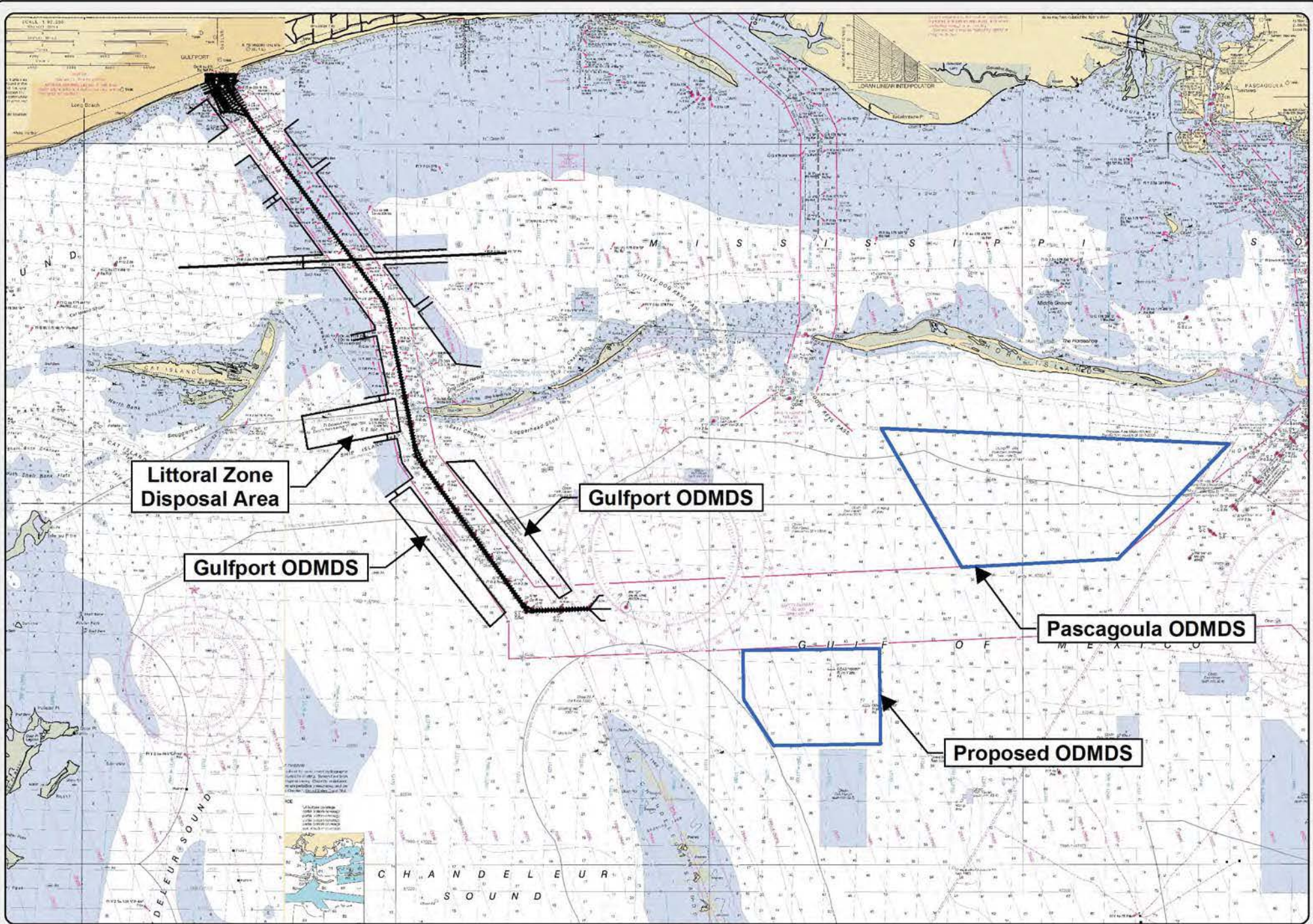
NOTE:

1. Required dredging depth equals the project depth plus two feet of advance maintenance.
2. Channel widths vary from 300 feet in the Gulfport Sound Channel to 400 feet in the Gulfport Bar channel.



Gulfport Bar Channel Typical Section
Not To Scale





VOLKERT

0 2 4 Miles
1 inch = 4 miles



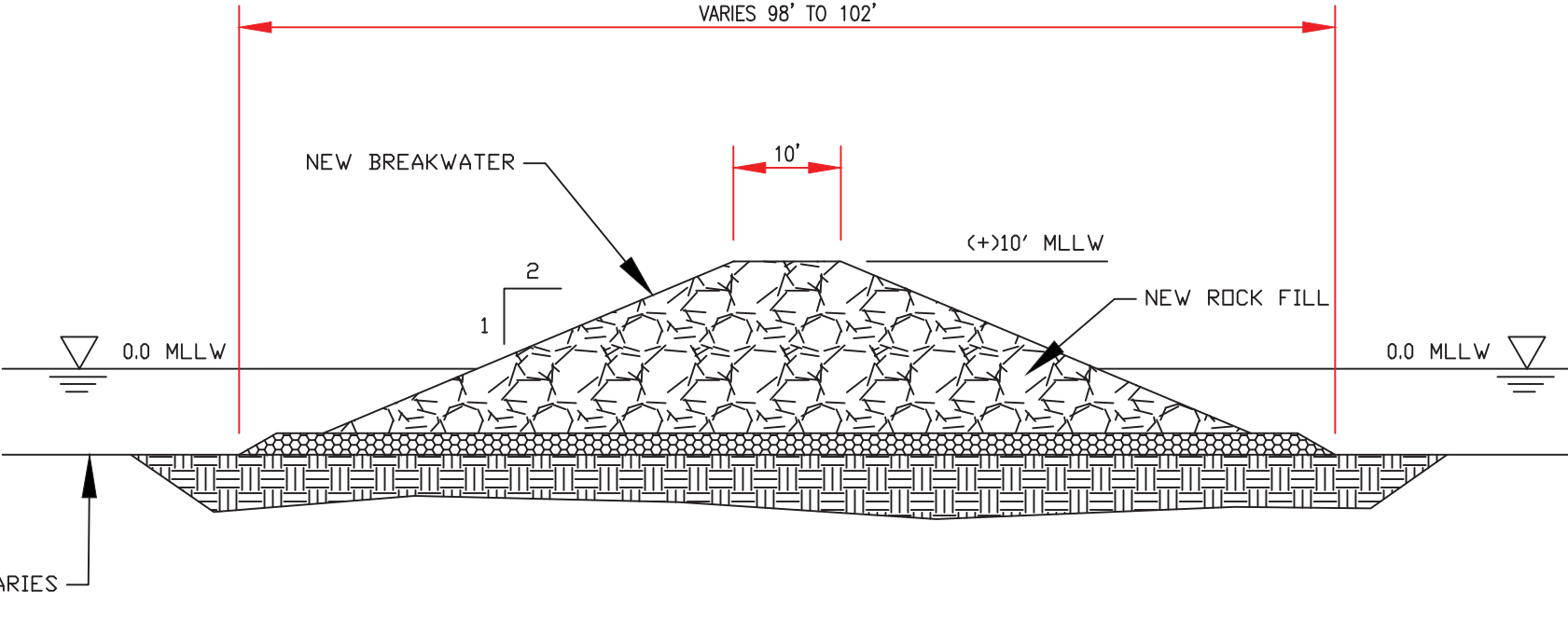
Note: This map is for presentation use only
and not to be used for construction purposes.

REVISED FIGURE

Figure 6
Ocean Dredge Material Disposal Sites
and Littoral Zone Disposal Area

NOTE:

APPROXIMATELY 4,000 LF OF NEW
BREAKWATER REQUIRED.



□□□□□□□□

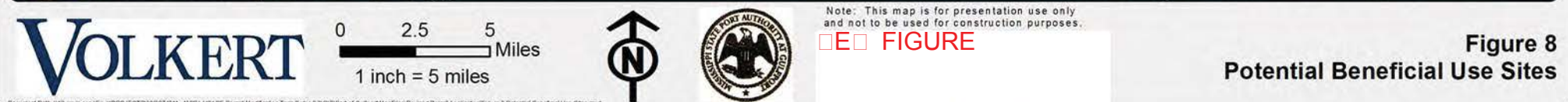
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REVISED FIGURE

FIGURE □□
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Port of Gulfport Expansion Project - Scoping Meeting Comments Summary - May 2013

Commenter	Category	Comment
Russel B. Dobbyn	No Response Needed	Surprised the deepening/widening was not part of the original PGEP. Feels that building a larger harbor without channel-turning improvements is a waste of time and money.
	No Response Needed	Does not believe the "scaremongers" as none of their predictions have yet to occur. They just shift jobs from shipping/building/commerct to advertising and the legal system.
Oscar Eckhoff	Coastal Geologic Processes	Believes that deepening the channel will decrease or destroy the barrier islands.
	No Response Needed	Believes once all the natural resources are gone, there will be little use for a deepwater port or the expanded Panama Canal.
Evelyn J. Caldwell	Socioeconomics	Do you do any work on Turkey Creek in the Turkey Creek community?
Darius Johnson	Socioeconomics	Feels that it is essential to get the port back up and running because of the hundreds of jobs that were lost following hurricane Katrina at the port.
Burdine Transcript: Burdine Transcript:		
Kenneth L. Casey, Sr.	Socioeconomics	Concerned about job creation and that the community has not seen any gain in employment since the construction process on the expansion and on the elevation began.
Howard Page	Introduction, Purpose, and Need	Surprised that another scoping meeting was scheduled. Were always told that channel deepening is a part of the port project and believes the original comments reflect the concerns about effects of the channel deepening. A lot of the TEUs that were supposed to come in were based on a deeper channel.
	Socioeconomics	Would like for the Port economist to look at the viability of the economics of this project as the only concessionair hear mentioned is a Chinese shipping company that is going to use this facility. Encourages Port to look into the viability of this information as independently as possible and see if it is going to give economic local benefits.
	Introduction, Purpose, and Need	Points out the information discrepancies on the Port's website between the "Facts About Revitalization" fact sheet and the Trans System report on the same website, one says 1 million TEU capacity and the other 480,000 TEUs.
	Socioeconomics	Concerned that money is being spent on this and it is very likely we could spend all this money on the project and not create jobs.
	Socioeconomics / Roadway and Rail Traffic / Air Quality	Asks that environmental justice be looked at carefully, since the increase in TEUs will also increase the number of trains and ships, increasing pollution going into the communities. Should consider that the Port does nothing right now and unless required by the USACE they are not going to do anything about the air pollution.
John Sneed	No Response Needed	Recognizes the importance of the Port for economic development and are in favor of the project. The Harrison County Development Commission passed a resolution in favor of the efforts to maintain and deepen the channel. Commenter provided the resolution to be entered into the record.
	Socioeconomics	Feels that it might want to change the name to Economic Impact Study, instead of Environmental Impact Study.
Toshja Brown	Introduction, Purpose, and Need	Would like for the USACE to give the other projects in the Port vicinity more than just consideration, because the other projects, when considered with the expansion of the Port, create a huge impact in several communities in Gulfport.
	Introduction, Purpose, and Need	Expresses concern about the degree of relevancy between considering the other projects and actually studying them. Encourages the USACE to weight this entire project and its impact on the community.
Spencer Garrett	No Response Needed	Commenter does not believe there will be any environmental impacts from this project.
	Socioeconomics	Asks that the USACE consider what would happen if the channel is not deepened. With the Panamax II standards, if the channel is not deepened, the Port will die and jobs will be lost.

Port of Gulfport Expansion Project - Scoping Meeting Comments Summary - May 2013

Commenter	Category	Comment
	Socioeconomics	Would like for not only the environmental impacts to be looked at but also the economic impact of not expanding the Port.
Rose Johnson	Socioeconomics	Asks that the USACE adequately address environmental justice, looking at the impact the Port expansion would have on low-income, under-served minority communities as it would increase rail traffic that comes through their community. Wants to make sure that one population does not disproportionately bear the burden of pollution from these connected project.
		Asks that the USACE make sure all the applicants are working from the same set of facts and forecasts on traffic, air pollution, and wetland laws.
	Not Applicable	Wants to see a roadside air and noise study done for the Port connector road.
		Asks that the USACE look at the flooding impact from all of these connected projects.
Oscar Eckhoff	No Response Needed	Believes an economic collapse will happen with massive unemployment and massive starvation, rendering the Port useless.
William T. Stone	No Response Needed	Encourages the USACE to get the EIS done and don't let it drag out.
	Alternatives / Affected Environment	Commenter is unclear on what the baseline is for the project.
	Alternatives	Unclear about if the project is going to be 25 feet.
	No Response Needed	Believes that if we don't get moving on this project, the US will not be able to compete with other countries and will be left behind.
Glenn Cobb	No Response Needed	Commenter is optimistic that the USACE will include some of the concerns they (Port Campaign Coalition) have in the North Gulfport Community and include them in their conversations and they are willing to work with you for the progress in Gulfport.
Reilly Morse	No Response Needed	Supports the modification to the application. Comments that this is something that the Port Campaign Coalition and the Steps Coalition have sought, to have a functioning set of elements that will allow the Port to achieve the larger throughput that would achieve job creation and other elements.
	Cumulative Impacts	Welcomes the consideration of the related projects, the domain, the 33rd Street property, the Port Connector Road and that the new EIS is going to take a coordinated look at these.
	Socioeconomics	Concerned about the environmental justice portion of the EIS. When the Port did its own environmental analysis they only looked at Census Tract 14. The USACE needs to look at Census Tracts 2, 23, 24, and 18, the ones where the increased traffic and throughput would pass. Feel that it is necessary to look at those effects as part of the overall connected activity that goes through the port
	Air Quality	Want the USACE to look at air emissions issues, the various ways through more modern technology to avoid and minimize and mitigate air emissions from ships onboard transit trains and trucks. Look at the GreenPort technologies that are underway elsewhere.
	Roadway and Rail Traffic / Cumulative Impacts	Ask that when this analysis takes place that we have this conciliation of both projects, that the throughput, the forecast about traffic coming through the Port from this expanded channel be used uniformly across the study and in consideration of the other projects.
	Roadway and Rail Traffic / Cumulative Impacts	Saw conflicting forecasts about how much traffic would go through and feels that consistency and correctly analyzing requires a uniform set of baseline numbers.
Michael Vitt	No Response Needed	Feels that there would be a dramatic increase in employment within his company if the proposed project is completed.
	Alternatives	If Gulfport does not proceed with this project, commenter feels that the Port will be bypassed for other locations.

Port of Gulfport Expansion Project - Scoping Meeting Comments Summary - May 2013

Commenter	Category	Comment
	No Response Needed	Believes that a lot of good can come out of accepting the modification that the Port is proposing to increase shipping efficiency and safety and navigation.
	No Response Needed	Believes that business is being taken away from the Port of Gulfport to other more efficient ports (i.e. New Orleans) and thus not benefiting the people of Mississippi.
William Davis	No Response Needed	Commenter feels that the environmental impacts will be minimal and that the Port needs to complete the project before we lose what we have.
Murrell Hilton	No Response Needed	Is in support of the project and feels that it will allow more efficiency for ships, less pollution and without the deepening there is little point in the expansion.
Francis Fredericks	Air Quality	Supports the project but is concerned about the potential increase in air pollution from the project.
	Socioeconomics	Asks that the USACE consider all of the things that can go wrong for the community if this project were to be built.
Lettie Caldwell	Introduction, Purpose, and Need	Feels that the Port is creating confusion and that someone needs to get an overview of this before the USACE gets involved.
	Socioeconomics	Feel that the promise of job creation is only a pretense.
	Socioeconomics	Feel that the people in the community have not been considered and that the Port builds your project in their neighborhoods anyway, regardless that they are polluting.
Mark Whestine	Air Quality	Believes that as far as the pollution problem goes in trucking, engines are cleaner than the cars that run through the Gulfport neighborhoods.
	No Response Needed	Supports the project and believes that without the port we have nothing, no port, no trucks, no jobs.
Maxine Ramsay	Socioeconomics	Although there were promises of over 1,200 permanent jobs by Port officials and the Governor, there is not proof of any jobs being created.
	Socioeconomics	Feels that it is a crime for MDA and the Governor to make statements they can not back up (i.e. job creation) when there is no chance this project will be built in anyone's lifetime.
Kenneth Jones II	No Response Needed	Commenter is in full support of the project being built which will bring jobs, economic recovery, and more efficient shipping.
Johnnie Jacobs	Public Involvement	Requests that they be forwarded a copy of the archaeological survey and any SHPO comments regarding the project.
Stanley Fournier	No Response Needed	In support of the project as it would allow them to compete for some of the business currently going to New Orleans.
M.W. Hilton, Jr.	No Response Needed	Feels that in order to fully utilize the benefits of the Port expansion the ship channel will need to be both deepened and widened and is in favor of the project.
Andrew Whitehurst	Cumulative Impacts	Feels that the USACE needs to look at the connected actions earlier in the process.
	Cumulative Impacts	The USACE's own input to the MsCIP plan has recognized the need to protect wetlands in North Gulfport and this plan lists an enumerated project in the Turkey Creek drainage, not yet funded by Congress, to execute a buyout of wetlands in order to create an easement for flood water storage.
	Cumulative Impacts	The money used to pay for the Port expansion is one large sum, so to the degree possible, the individual infrastructure project components to re-work the Port with that money should be considered together. A singular funding source should carry with it a holistic treatment of the various projects made possible by that funding. A directive from EPA has called for this sort of holistic treatment at least with respect to the Ward wetlands.

Port of Gulfport Expansion Project - Scoping Meeting Comments Summary - May 2013

Commenter	Category	Comment
	Cumulative Impacts	The scope of the EIS for channel dredging and port modifications here should be broad, holistic and comprehensive as possible, encompassing all the pieces of this project and treating them as a connected web. The pieces are all connected in a project that starts in the channel between Ship and Cat Islands and ends with road connections at Interstate 10.
	Cumulative Impacts	<p>Would like to see this EIS talk holistically about the interconnected parts of the Port Expansion. In Mississippi Sound and Gulfport, they are, in part:</p> <ul style="list-style-type: none"> • Dredging in the Sound and Port for ship channels basins/berths • Railroad construction • Proposed Port connector road construction • Development of the wetlands on the Ward Property • Development of the property located at 33rd Street and 34th Avenue
	Cumulative Impacts	The integration into this project of the wetlands on the Ward properties in North Gulfport will have a significant impact on flooding and storm water storage in the Turkey Creek floodplain. If they are converted, then mitigation will need to take place in the floodplain. However, it will be more cost effective to let the wetlands remain unfilled and work to hold floodwaters than to try to create engineered solutions to flooding in North Gulfport after construction of road infrastructure. Particular attention should be given to improving existing surface roads between the Port and Interstate 10 before the Wetlands on the Ward property are allowed to be filled and converted.
	Coastal Geologic Processes	Dredging of the bar channel and Mississippi Sound to deeper and wider dimensions will adversely affect Ship Island by further alteration of littoral sediment transport. Great sums of BP Oil spill penalty money are planned to be spent to fill the cut between East and West Ship Islands. The altered deepened and widened channel will better intercept sediment from the longshore currents and hamper restoration efforts for Ship Island. It will be important to manage spoil from dredging and place suitable spoil strategically offshore and up-current of East and West Ship Islands to help the island restoration. The long term health of the Barrier Islands must be given the strongest consideration in the EIS treatment of dredging operations.
	Threatened and Endangered Species	The data from the sturgeon tracking studies should be presented in the EIS in some form. The presence or absence of Gulf sturgeon in the channels or dredged areas of the Port is significant and should be noted in the EIS, and if they are present, their movements should continue to be monitored and studied.
E. Gail Suchman	No Response Needed	Believed that the 21-day minimum notice for the scoping meeting was insufficient. That request was not addressed and the scoping meeting proceeded as scheduled on May 21, 2013.
	Cumulative Impacts / Alternatives / Socioeconomics	Believe that the MSPA has changed its plan for the Port multiple times, and has not undertaken a comprehensive EIS process to look at the cumulative impacts of the multiple projects associated with the Port, conduct a proper alternatives analysis, or address environmental justice concerns. Feel the MSP A and other state agencies have ignored the community concerns and refused to participate in a meaningful dialogue to address them.
		Request that a draft scoping report be issued by the USACE to allow for formal public review and comment.
	Cumulative Impacts	The USACE must design its scope of study for the EIS to include, directly, the port connector road and inland port (including the Ward application).

Port of Gulfport Expansion Project - Scoping Meeting Comments Summary - May 2013

Commenter	Category	Comment
	Socioeconomics	Feels that the USACE did not comply with its mandate to study the environmental justice impacts from the Port and its associated projects which is required by NEPA. Formlally request that the USACE establish a community advisory group for the EIS process and require the applicant to provide modest funding (i.e., \$25,000) to allow the community advisory group to hire a technical support professional to assist in the review of the draft EIS.
Comments received in 2011 relevant to channel modification:		
Steve Shepard	Water and Sediment Quality / Groundwater and Surfacewater Hydrology / Aquatic Ecology	Any expansion of the channel only magnifies the saltwater intrusion problem, elimination of freshwater wells, damage to the estuary's biotic communities. What about the Gulfport ship channel is different and less potentially destructive than the Mississippi Gulf Outlet Canal?
Maxine Ramsay	Alternatives	On dredging the ship channel, where will the spoils be placed?
Carol Campbell	Water and Sediment Quality	The even deeper dredging could increase storm surges. Mississippi Sound protects us from hurricanes; it must be considered in the EIS whether the increased dredging will compromise that valuable environmental service.
Casey DeMoss Roberts	Alternatives / Socioeconomics / Coastal Geologic Processes	The expanded Navigation Channel does not seem to have a maintenance plan. The MSPA has stated that the Port of Gulfport future plan is to "encourage USACE dredging of the navigation channel." This strategy raises many questions. First, will the Port have the financial ability to maintain the channel if the Corps declines responsibility? If not, then how will the channel be maintained? If the Corps decides to take on this responsibility, how will the Channel be managed? Will the Corps maintain this channel? And if yes, how will the Corps ensure that significant erosion does not occur like that which happened with the Mississippi River Gulf Outlet in Louisiana? How much business will the port have to grow to justify the cost to maintain the channel?
	Coastal Geologic Processes	The USACE must analyze how the deeper and wider channel will impact the National Gulf Island Seashores, particularly Ship Island.
	Coastal Geologic Processes	The USACE must also consider impacts to the Channel from the westward migration pattern of the barrier islands and how the westward migration of islands will impact channel maintenance.
	Water and Sediment Quality / Aquatic Ecology / Wetlands and SAV / Threatened and Endangered Species	The USACE must analyze what impact a deeper and wider navigation channel will have on salinity concentrations near the project area and how this potential change may impact water quality and the fauna and flora that depend on the current saline concentrations.
	Commercial and Recreational Navigation / Water and Sediment Quality / Cumulative Impact	The EIS should determine how the deeper and wider navigation channel, increased ship traffic, water quality degradation, and larger port footprint will impact the MSCIP. If impacts to the MSCIP are found, then those impacts should be avoided or the MSCIP should be re-studied. The State of Mississippi, Department of Marine Resources, the USACE, Mobile District, and the DMR should consider if the plan is consistent with Mississippi Coastal Improvement Plan.
Therese Collins	Alternatives / DMMP	The required channel dredging has not been considered. The dredge spoil disposal plan is not part of this. We have no idea what you're doing to do with that.
Howard Page	Coastal Geologic Processes / DMMP	The dredge that has been requested to 45 feet so that this port can handle Panamax ships, which are designed to pass through the newly upgraded Panama Canal, will cause great problems from the constant maintenance. Many of these problems will be in maintaining the barrier islands. The channel acts as a sediment trap and traps sediment that can build the islands. Wider and deeper channels trap more sediment.

Appendix H5

Agency Workshops

US Army Corps of Engineers
Mississippi Development Authority

Port of Gulfport – Expansion Application
Environmental Impact Statement

Agency Workshop

March 31, 2011

Location: Fleming Education Center Classroom
University of Southern Mississippi, Gulf Park Campus
730 East Beach Boulevard, Long Beach, MS 39560

- 1400 – Welcome from USACE and MDA and introductions (Damon Young and Ewing Milam)
- 1415 – Review of agenda and objectives (Angela Bulger)
 - Ensure understanding of the Expansion Project
 - Confirm all relevant resources are covered in the EIS and appendices
 - Identify available data to aid in evaluations
 - Determine need for additional studies
- 1425 – Description of permitted efforts and Expansion Project (Joe Conn)
 - Handouts available
 - Q&A
- 1440 – Review of EIS content and known environmental concerns (Angela Bulger/Kim Fitzgibbons)
 - Handouts available
 - Discussion of content
 - Discussion of available data
 - Discussion of additional studies (if needed)
- 1520 – Wrap up and close workshop (Damon Young)

Port of Gulfport – Restoration and Revitalization Application
Environmental Impact Statement

Agency Workshop
Summary of Meetings

Date: March 31, 2011

Location: Fleming Education Center Classroom, University of Southern Mississippi, Gulf Park Campus, Long Beach, MS

Participants: See attached sign-in sheets

Summary of Discussion:

- **Introduction:**
 - Joe Conn (MSPA) – description of permitted efforts and expansion project
 - A short video was shown
 - 160 acre container facility
 - Western edge of the facility will be open to the public (pier, biking , and trail)
 - Once completed, there will be space for an additional tenant. Current tenants include Dole, Chiquita, and Crowley.
 - Port operates at 1 million TEU's per year / 3 million TEU's additional with the expansion project to 4 million TEU's total
 - Current work will take 7 years to complete
 - 12,500 when at 1 million TEU's
 - New expansion will include up to 400 acres for the West Pier after all projects are completed
 - With the expansion project the port will be able to handle 5 times more
- **Open Discussion with agencies:**
 - Maya Roe (MDEQ)
 - In 2012 Gulfport will be designated non-attainment for ozone by the EPA
 - Impacts include:
 - Major industries – will be harder for new industries to come in
 - Transportation conformity – road construction
 - Mobile source emissions increase
 - Ntale Kajumba (EPA)
 - Air toxics within that framework – hotspots and communities
 - No air toxics issues on the coast
 - Mark Thompson (NMFS)
 - Gulf sturgeon:

- Ongoing studies (Ship Island) – monitoring and tagging (Ryan Hendren is the point of contact for this information)
- They have done some tagging studies with BP (BP info may be confidential)
- 1998 permit – there were some sediment, infauna, and water quality analysis performed, contact Larry Lewis (BMI) for specifics
- Essential Fish Habitat – general information on the website
- Paul Necaie (NMFS) is the contact for piping plovers
- Jennifer Wittmann (MDMR)
 - Coastal Zone Management – coastal program guidelines
 - 1988 document with information that she provided
- Florance Watson (MDEQ)
 - Section 404b – guidelines have been provided
- Ntale Kajumba (EPA)
 - Is there funding for the EIS?
 - South expansion and the current expansion are not funded yet
- Will take 3 to 6 months to formulate the alternatives and therefore a year to produce the Preliminary Environmental Impact Statement

Action Items:

- Video Joe Conn showed will be placed on the Port of the Future website
- Scoping meeting posters and information from the meeting will be placed on the 3rd party website

MEETING ADJOURNED.

**US Army Corps of Engineers
Mississippi Development Authority**

**Port of Gulfport-Expansion Application
Environmental Impact Statement**

Agency Workshop
March 31, 2011 1400-1530 hrs

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**US Army Corps of Engineers
Mississippi Development Authority**

**Port of Gulfport-Expansion Application
Environmental Impact Statement**

**Agency Workshop
March 31, 2011 1400-1530 hrs**

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US Army Corps of Engineers
Mississippi Development Authority
National Marine Fisheries Service

Port of Gulfport Expansion Project
Third-Party Environmental Impact Statement

Agency Workshop #2

May 21, 2013 1400-1600

Location: Courtyard Marriott, Gulfport, MS – Coastal Room 3

- Introductions
- Purpose for Meeting
- Status of the Project
- Proposed Changes to Project
 - Current Footprint Review
 - Proposed/Possible Changes to Channel
 - Ship Simulations and Moving Forward
- Review of Agency Input and Concerns/Discussion

US Army Corps of Engineers
Mississippi Development Authority
National Marine Fisheries Service

Port of Gulfport Expansion Project
Third-Party Environmental Impact Statement

Agency Workshop #2

Date: May 21, 2013 1400-1600

Location: Courtyard Marriott, Gulfport, MS – Coastal Room 3

Participants: See attached sign-in sheets

Summary of Discussion:

- **Introduction:**
 - Angela Bulger (Atkins)
 - Purpose of the meeting
 - Visuals – handouts
 - Focus on the channel modification for this meeting and make sure you understand what is being proposed
 - Ship simulations are done – processing the data now and this will feed into the alternatives analysis
 - Goal is to determine which channel configuration will give Port the biggest benefit for the cost
 - MS Channel and outer Bar Channel
 - 300 foot x 36 feet deep is the current authorized MS Channel, 400 x 38 is current authorized Bar Channel
 - The Port proposes to deepen up to 47 feet in the MS Channel and the outer Bar Channel up to 49 feet deep
 - Width changes may also be considered
 - The pilots have concern about this so we added a width option to the ship simulation
 - Process
 - 2010 – permit application was submitted
 - 2011 – had the Notice of Intent for the scoping meeting that was held in March
 - 2013 – re-notice to get public input on the modification to the project
- **Open Discussion with agencies:**
 - Munther Sahawneh (USACE)

- Are we going to add to the length of the existing channel?
- Angela Bulger (Atkins)
 - May extend the length of the channel, depends on existing depth at current end of channel
 - Depends on what the results of the ship simulations as to how deep and if we have to extend the channel
- Ntale Kajumba (EPA)
 - Range of depths?
- Angela Bulger (Atkins)
 - We don't know now, thinking between 42 and 49
- Mark Thompson (NMFS)
 - Are you looking at alternatives and options for material placement?
- Angela Bulger (Atkins)
 - Yes, DMMP will have an evaluation of the new work and maintenance material placement options
- Ntale Kajumba (EPA)
 - What about overdredge?
- Angela Bulger (Atkins)
 - 2 foot allowable and 2 foot advance maintenance, for a variance of 4 feet
 - 47 foot deep channel could be 51 feet deep
- Ntale Kajumba (EPA)
 - What about sediment testing?
- Angela Bulger (Atkins)
 - Maintenance material is sampled prior to each maintenance dredging event
- Elizabeth Calvit (CH2M)
 - Anchor QEA did additional sampling of the virgin material and this information will be in the DMMP
- Angela Bulger (Atkins)
 - Toxicity testing too
 - Did the full suite of testing (grain size, bioassay, etc)
- Ntale Kajumba (EPA)
 - Doug Johnson (EPA) is the person that will handle this
- Elizabeth Calvit (CH2M)
 - Anchor QEA is working with Doug
- Mark Thompson (NMFS)
 - Has concerns with unconfined disposal
 - Support beneficial use with the new work and maintenance material
 - Is the USACE going to take over maintenance?
- Angela Bulger (Atkins)
 - Possibly – would have to address with the USACE separately
- Mark Thompson (NMFS)
 - Will this be added to the EIS?
- Angela Bulger (Atkins)
 - It will be noted in the EIS
- Munther Sahawneh (USACE)

- Another process to follow is the 408 – important to federal channel/civil work
 - Economics – required by the Port and goes to planning and operation
 - 204 process – separate outside regulatory
- Mark Thompson (NMFS)
 - Will it be treated as a 404 permit application?
- Munther Sahawneh (USACE)
 - Yes
- Ntale Kajumba (EPA)
 - Can you tell us what the Purpose and Need is for the newer folks
- Angela Bulger (Atkins)
 - Purpose and Need is to have a channel to allow large ships and increase attractiveness of the Port to meet throughput goals – 2 million TEUs/year
- Joe Conn(MSPA)
 - What changes is the increased throughput of containers
- Ntale Kajumba (EPA)
 - Some of the comments will remain the same
 - Look at the alternatives in relation to the purpose and need
 - Alan Powell (EPA) will deal with air quality issues, criteria pollutants, and air toxics
 - Local impacts and diesel emissions reduction methods
- Alan Powell (EPA)
 - Trying to get a good picture with this project and other projects
 - Interested in the impacts and the design to minimize impacts
 - This is what EPA likes to see
- Angela Bulger (Atkins)
 - We have some posters to address this at the scoping meeting and how we are going to handle these issues
- Ntale Kajumba (EPA)
 - Other issue areas:
 - Doug Johnson – sediment dispersal issue and fill concerns
 - Would appreciate having a reduced amount of fill – would reduce the involvement with other people
 - Noise related issues
 - Particularly associated with the transportation corridors and activities along these inland facilities – this needs to be examined as part of the process
 - Need to look at particularly where related to EJ issues
 - Need to coordinate with state groups
 - Children’s health
 - Climate change
 - Cumulative impacts to all projects in the area
- Angela Bulger (Atkins)
 - We have posters at the scoping meeting to address these concerns
 - We are at the beginning stages of developing the alternatives
 - There are a combination of things to look at

- Traffic/air/noise/EJ are all on the radar and we can sit down and go through to let you know where we stand
- Alan Powell (EPA)
 - Will there be increased ship traffic or same amount regardless of improvement
- Angela Bulger (Atkins)
 - Anticipate an increase in federal navigation channel not in the Gulf of Mexico, but will look closely at this in EIS
- Alan Powell (EPA)
 - Are you looking to make the channel deeper so you can increase the number of ships coming in?
- Angela Bulger (Atkins)
 - Anticipate increased ship traffic in the navigation channel to access the Port but not in the Gulf of Mexico itself
- Ryan Hendren (?)
 - No increase in the numbers?
- Angela Bulger (Atkins)
 - Yes, there will be an increase in numbers in regards to ships calling at the Port
 - The analysis is not complete yet but the traffic is expected to increase some going in and out of the Port
 - There will be more ships in/out of the Port for each user
 - We are at the beginning stage of looking at this
 - Logic would say there would be an increase in traffic in the channel
- Joe Conn (MSPA)
 - The restoration program will bring in new tenants which would increase traffic
- Elizabeth Calvit (CH2M)
 - Different kind of tenant – higher capacity containers than currently have
- Angela Bulger (Atkins)
 - The Port is looking at different tools
- Joe Conn (MSPA)
 - Yes, considering adding cold-ironing capabilities
- Mark Thompson (?)
 - Are you looking at the bends in channel?
 - In addition to what the USACE recently did?
- Angela Bulger (Atkins)
 - Ship simulations considered existing channel conditions and different depths
 - They had issues with the bends so they ran some with wider areas in the channel
- Wendell Mears (Anchor QEA)
 - Smoother cut bends so the ships can get through more easily
- Elizabeth Calvit (CH2M)
 - Did we meet Alan at the last scooping meeting?
- Alan Powell (EPA)

- No – EPA Region 4
- Elizabeth Calvit (CH2M)
 - Now is a good opportunity to ask us questions and discuss now, what are your concerns?
- Alan Powell (EPA)
 - Whether or not the goal is economic development or just to allow big ships to come in and no increase in container traffic
- Joe Conn (MSPA)
 - With the restoration project we now have a mandate to increase jobs which will increase traffic
- Alan Powell (EPA)
 - Look at importance of increased container traffic
 - More cranes operating – more businesses operating – more trucks/trains operating
 - Importance of channel deepening
 - Really like to see:
 - Air quality model – develop emissions inventory of land equipment and information from sea side then do a comparison
 - If know what you have then you know where the problem is
 - Localized impact – still have on local level or air quality community
 - Where improvements will really occur and how to minimize impacts
 - We will ask for everything and hope we get it
- Angela Bulger (Atkins)
 - Starting traffic evaluation and air quality evaluation
 - Onsite emissions and ships
 - Proceed with the no action and each alternative
 - The air evaluation is on hold now – going back and looking at the existing conditions without the road
 - Looking at traffic without the road and this information will feed into the air evaluation
 - EJ – census tract/block - >65 and <18 years of age
- Alan Powell (EPA)
 - Need local analysis
 - Dispersion analysis to identify hot spots and where you can fix them
- Angela Bulger (Atkins)
 - Alternatives
 - The no action assumes the restoration project is completed
 - There will be a whole suite of potential alternatives to screen
 - There are a huge number of possibilities that meet the purpose and need of the project and we will need to screen those down to a reasonable level for evaluation in the EIS
- Ntale Kajumba (EPA)

- Do you have a list of these alternatives?
- Angela Bulger (Atkins)
 - No, it would be too confusing to the public
 - We met in January to discuss
 - We have lots of alternatives to screen out
 - Still developing the screening criteria
- Kim Fitzgibbons (Atkins)
 - We have a board discussing alternatives but it doesn't line them up and show all the possible combinations
- Wendell Mears (Anchor QEA)
 - DMMP and BU Plan
 - DMMP tested for ODMDS and chemistry
 - Had to pick where had current capacity and left in the BU option
 - One cut through the barrier island – all that material left in littoral process
- Mark Thompson (NMFS)
 - You are looking at more than unconfined open water placement?
- Wendell Mears (Anchor QEA)
 - Yes, for the new work material
 - Would satisfy the USACE to assume maintenance
- Ryan Hendren
 - Material within the sound?
- Wendell Mears (Anchor QEA)
 - BU or ODMDS site
- Elizabeth Calvit (CH2M)
 - State DMR has master plan for the BU
 - The DMMP identified existing and proposed BU sites
 - Anticipate as new sites become permitted, will work with applicant to make sure material is not lost
 - Expect to work with DMR to permit a new BU site
- Ryan Hendren
 - Stressed with USACE to develop a program for BU site to permit faster
- Elizabeth Calvit (CH2M)
 - Should be able to figure something out
- Wendell Mears (Anchor QEA)
 - One BU program in the master plan
 - Biloxi marsh – is evaluated in the DMMP
- Mark Thompson (NMFS)
 - Looking at through NERDA?
- Wendell Mears (Anchor QEA)
 - Yes, looking to that as well
 - There is lots of capacity there
- Mark Thompson (NMFS)
 - Have to assume that Louisiana would want all of the material (for Biloxi marsh)
- Elizabeth Calvit (CH2M)
 - Louisiana has indicated they want it going to Biloxi Marsh

- Wraps around Hancock, County, MS – put most material there to serve as a buffer to storms
- Ntale Kajumba (EPA)
 - Want to know more about the industry coming to the Port as a result of the project
- Joe Conn (MSPA)
 - That is difficult to get a commitment until the project is built
 - Expansion project provides 160 acres for new tenants – this is what would expect to be a high capacity area
 - Current tenants – leave by truck within 24 hours of arrival
 - Export products to and from the Caribbean
 - 2nd largest importer of green fruit to the US
 - Predominately bananas
 - Dole/Chiquita export paper to the Caribbean
 - Crowley ships out a lot of raw cotton cloth – clothing made and brought back in to the US
 - DuPont – ore from Australia and Western Africa
 - Restoration – will allow for future high capacity tenant
- Daron Wilson (MDA)
 - Focus on growth
 - Potential for granite market in South America
 - 2nd European market on energy sectors
 - Aerospace, auto, lumber, agriculture, many factors
 - Focus on looking at market not current existing
 - Will identify these new markets to see how they fit into the economic growth potential
 - Growth exists and attracts new markets that can grow
- Alan Powell (EPA)
 - Cranes?
- Joe Conn (MSPA)
 - We own cranes
 - Will replace with new and add rail cranes
- Lon Elledge (CH2M)
 - Have the capacity for intermodal port
 - Includes effects of containerized rail
- Joe Conn (MSPA)
 - Expect larger tenant bringing in containers to ship out of the state
- Elizabeth Calvit (CH2M)
 - Considering coal because of increased need
- Joe Conn (MSPA)
 - Will upgrade the entire fleet and can provide that capacity
- Lon Elledge (CH2M)
 - Expect other tenants – install to increase capabilities
 - Length of the proposed channel?
- Wendell Mears (Anchor QEA)
 - Will have to do the math to see how far out the dredging will occur

- Mark Thompson (NMFS)
 - Assume you have gone back to regulatory history and mitigation associated with it – all brought up to current mitigation?
- Angela Bulger (Atkins)
 - Introduction to the EIS will discuss the history but it is not focused on in the EIS
- Jennifer Wittmann (MDMR)
 - We are in discussions with the Port and have to come up with creative mitigation
 - Not included in application yet but are aware of the mitigation requirement
- Mark Thompson (NMFS)
 - Look at historic mitigation – some may/may not be successful
 - Can discuss this at some point
- Jennifer Wittmann (MDMR)
 - Project for restoration was done, changed the site to near DuPont
 - Port is up to date on mitigation from past projects
- Mark Thompson (NMFS)
 - Discovery Bay?
- Jennifer Wittmann (MDMR)
 - Discovery Bay was changed to the DuPont site
- Mark Thompson (NMFS)
 - Mitigation?
- Elizabeth Calvit (CH2M)
 - Get update from John Webb for mitigation
- Lon Elledge (CH2M)
 - If the material goes to Biloxi Marsh – BU then BU in another state (i.e. Oklahoma)
- Jennifer Wittmann (MDMR)
 - That's up to the state
 - Required by law
- Elizabeth Calvit (CH2M)
 - Might be out of state or the material goes to the ODMDS
- Jennifer Wittmann (MDMR)
 - Beneficial impact on Mississippi
 - Not concerned if material goes to Louisiana
- Ntale Kajumba (EPA)
 - Supports BU options
 - Mitigation options?
- Angela Bulger (Atkins)
 - No solid impacts to mitigation yet – early on in the process
- Jennifer Wittmann (MDMR)
 - Restore water flow to marsh areas – these are types of mitigation that will happen
- Mark Thompson (NMFS)
 - Loss of 200 acres of Mississippi sound bottom is worthy of mitigation

- Mitigated for 1989 permit
- Jennifer Wittmann (MDMR)
 - Will mitigate for it again
- Angela Bulger (Atkins)
 - We are discussing mitigation options
- Wendell Mears (Anchor QEA)
 - Dredging will add 5 miles to the channel length for the 42-foot and 10 miles for the 47-foot
 - All south of the barrier islands at an easterly setting
- Lon Elledge (CH2M)
 - Safety fairway where the channel extends out
- Wendell Mears (Anchor QEA)
 - Compound the numbers
 - 2 foot advanced maintenance and 2 foot allowable overdredge
- Mark Thompson (NMFS)
 - What is the depth of the new Outer Bar Channel?
- Wendell Mears (Anchor QEA)
 - 50 feet
- Mark Thompson (NMFS)
 - How many miles maintained away from the Port?
 - Deeper channel require more maintenance?
- Wendell Mears (Anchor QEA)
 - Don't know
 - Dead east where we turn
 - Look at Pascagoula as a comparison
- Alan Powell (EPA)
 - Total max depth is 51 feet?
- Wendell Mears (Anchor QEA)
 - Yes
- Wendell Mears (Anchor QEA)/Angela Bulger (Atkins)
 - Channel lengths:
 - Sound Channel 10 miles
 - Bar Channel 3 miles
 - Gulf Channel 4-5 miles
 - 20 miles total
- Ntale Kajumba (EPA)
 - Still need to include the roadway capacity or use existing roads
- Angela Bulger (Atkins)
 - We are working with MDOT looking at the existing roadways and what future roadways will be realistic to include in the model
 - If find impacts, will look at mitigation to alleviate
- Ntale Kajumba (EPA)
 - Where are we in the process to mitigate for traffic impacts? Will there be a need for increased capacity?
- Angela Bulger (Atkins)

- We are working with MDOT to set up a traffic model so we don't know exactly what the impacts will be or where mitigation will be needed. We have an idea but need to get the models run.
- Elizabeth Calvit (CH2M)
 - Going in one direction with the traffic study but this feeds into the reduction with things – SR601 road
 - Had to go back to square one when the connector road permit was pulled
- Angela Bulger (Atkins)
 - Had to take our SR601 from the baseline
- Carla Brown (MDEQ)
 - Harrison County is in attainment for ozone
 - Air quality issues need to be addressed
 - Visibility should be addressed
- Angela Bulger (Atkins)
 - We will look at VOC and NOx
 - Our air quality experts are used to dealing with these issues
 - No general conformity determination because the area is still in attainment
 - Could be a permit condition if area is not in attainment at the time
- Alan Powell (EPA)
 - Can do analysis even though you don't have to
- Ntale Kajumba (EPA)
 - What is the timeline on the progress of the DEIS and FEIS?
 - Will you send scoping minutes from meeting
- Angela Bulger (Atkins)
 - Minutes will be distributed to everyone here
 - Timeline for the DEIS is early 2014 (Quarter 1)
 - FEIS is July 2015
 - Gulf sturgeon monitoring/tagging is ongoing
 - Tagging juveniles in the Pearl and Pascagoula rivers
 - Arrays are located around the Port footprint
 - We are seeing them there
 - Preliminary data
 - Coordinating with Ryan Hendren

MEETING ADJOURNED.



US Army Corps
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Port of Gulfport
**EXPANSION
PROJECT EIS**
HARRISON COUNTY, MISSISSIPPI



Tuesday, May 21, 2013

2:00 P.M. – 4:00 P.M.

Marriott Courtyard Gulfport Beachfront Hotel

1600 East Beach Boulevard

Gulfport, Mississippi 39501

Agency Workshop Sign-In Sheet

#	Name	Agency Affiliation	Address	Phone	E-mail
1	Carrie Barefoot	MDER	515 E. Amite-Jackson, MS	601-961-5322	Carrie-Barefoot@deg.state.ms.us
2	Carla Brown	"	"	601-961-5235	cbrown@deg.ms.gov
3	Sid Canthorn	"	"	—	sid_canthorn@deg.ms.gov
4	Jennifer Wittmann	MDMR	1141 Bayview Ave. Biloxi	228-374-5000	jennifer.wittmann@dmr.ms.gov
5	Kim Fitzgibbons	Atkins	7406 Fullerton St. Suite 350	904-363-8447	Kimberly.fitzgibbons@atkinglobal.com
6	Lisa Vitale	Atkins	6504 Bridge Pt Pkwy	512 343 3389	lisa.vitale@atkinglobal.com
7	Joe Conn	MSPA	262 Southern Circle Gulfport MS	228-865-4300	jconn@shipmspg.com
8	Ewing Milam	MDA	500 Lamar St Jackson MS 39201	601 359-2157	emilam@mississippi.org
9	Elizabeth Calkins	CH2M Hill	2510 14th St Suite 1013	228-822-2080	ecalkins@ch2m.com
10	Paul Bradley	Volker	3809 Moffett Rd Mobile AL 36618 251 753-3472	251 753-3472	Paul.bradley@volkert.com
11	Lon Elledge	CH2M Hill	2510 14th St, Suite 1013 Gulfport, MS	228-822-2080	lon.elledge@ch2m.com
12	PHILIP CARTER	MDA	501 N. WEST ST. JACKSON, MS 39201	601.359.2569	PCARTER@MISSISSIPPI.ORG



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Port of Gulfport
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HARRISON COUNTY, MISSISSIPPI



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Marriott Courtyard Gulfport Beachfront Hotel

1600 East Beach Boulevard

Gulfport, Mississippi 39501

Agency Workshop Sign-In Sheet

#	Name	Agency Affiliation	Address	Phone	E-mail
13	DARON WILSON	MDA	561 NORTH WEST STREET JACKSON, MS 39201	(601) 359-2378	dwilson@mississippi.org
14	CHRIS CARRON	Balch's Bingham LLP	1310 25th Ave. Gulfport, MS 39501	(228) 214-0432	ccarron@balch.com
15	Ntale Kajumba	EPA	61 Forsyth Street Atlanta, GA 30310	(404) 562-9620	Kajumba.ntale@epa.gov
16	Al Powell			404/562-9045	powell.al@epa.gov
17	Christiana Hassin	WATKINS & EAGER MDA	400 East Capitol St. Jxn. MS 39201	601-465-1834	CHASSIN@ WATKINS EAGER.COM
18	Kaaren Neumann	USACE		228-523-24 800-822-8181	Kaaren.M.Neumann@ usace.army.mil
19	Maryellen Farmer	USACE		228-523-4116 4116	Maryellen.J.Farmer@usace- army.mil
20	Wendell Mears	Anchor Q&A		228 818 9626 251-533-1881	Wmears@anchoragea.com
21	On phone:				
22	Ryan Hendren Mark Thompson	NMFS			
23	Paul Necaize	USFWS			



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PROJECT EIS**
HARRISON COUNTY, MISSISSIPPI



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Marriott Courtyard Gulfport Beachfront Hotel

1600 East Beach Boulevard

Gulfport, Mississippi 39501

Agency Workshop Sign-In Sheet

#	Name	Agency Affiliation	Address	Phone	E-mail
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25					
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Appendix H6

General Correspondence

MISSISSIPPI CENTER FOR JUSTICE

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P.O. BOX 1023
JACKSON, MS 39215-1023
601-352-2269
fax 601-352-4769
www.mscenterforjustice.org

BILOXI OFFICE
974 Division Street
Biloxi, MS 39530-2960
228-435-7284
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A Mississippi Nonprofit Corporation

March 15, 2011

Daron Wilson
PMO Disaster Recovery Division
Mississippi Development Authority
Post Office Box 849
Jackson, Mississippi 39205-0849

re: DOA Permit MS-96-02828-U - February 11, 2011 Notice of FONSI/RROF

Dear Mr. Wilson:

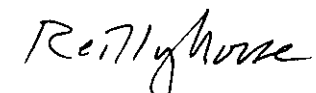
On February 25, 2011, at 2:55 pm, I sent the attached letter to the address identified in your notice, disasterrecoverycomments@mississippi.org. See attached email. MDA is the only party who claims not to have received this communication directly. MDA's contention that the objectors did not submit a copy of this document within the prescribed deadline is false. Please immediately retract the assertion and correct the record.

MDA did not forward to the objectors a copy of the March 10, 2011, letter and any supporting documentation sent to HUD requesting the release of funds. Please do so immediately, per my phone call to you this morning.

Please also make available for inspection the original environmental assessment performed on the project prior to the original EA/FONSI. Please contact my office to schedule the appointment. In this and all future communications, be advised that communication to me should be directed to our Gulf Coast Office, not the Jackson office. I may be reached by email at rmorse@mscenterforjustice.org.

We accept your offer to meet within the next two weeks at the Knight Center Conference room, Gulfport, Mississippi, where MDA has an office. Please propose acceptable dates.

Very Truly Yours,



Reilly Morse

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cc. Scott Davis, CPD, US Department of Housing and Urban Development

Joe Rich, Esq.

Roberta Avila, Steps Coalition

Robert Alessi, Esq., Dewey and Leboeuf LLP

Damon Young, US Army Corps of Engineers

Charles Bearman, Esq.

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A Mississippi Non-Profit Corporation

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974 Division Street
Biloxi, MS 39530-2960
228-435-7284
fax 228-435-7285

February 25, 2011

Mr. Daron Wilson
Mississippi Development Authority
P.O. Box 849
Jackson, MS 39205

Re: Comments and Objections to the Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds Issued by MDA for a Project Known as the "24-Acre Fill, New Tenant Terminals and Infrastructure Project at the Port

Dear Mr. Wilson:

We write to you on behalf of Steps Coalition to interpose our comments on and objections to the February 7, 2011 Notice of Finding of No Significant Impact ("FONSI") and Notice of Intent to Request Release of Funds ("RROF") (the "February 2011 Notices") issued by the Mississippi Development Authority ("MDA") for the 24 Acre Fill, New Tenant Terminals and Infrastructure Project (the "24 Acre Fill Project").

I. SUMMARY

The FONSI and RROF contained in the February 2011 Notices are illegal because they are based on an environmental analysis ("EA") that failed to aggregate the 24 Acre Fill Project with the other component activities of the Port of the Future Project (as hereinafter defined). The United States Department of Housing and Urban Development ("HUD") regulations require MDA to group together and evaluate as a single project all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions. The 24 Acre Fill Project and the other components of the Port of the Future Projects are clearly related on both a geographical and functional basis and the 24 Acre Fill Project is a logical part of a composite of several contemplated actions to revitalize and rebuild the Port of Gulfport (the "Port"). Therefore, the 24 Acre Fill Project and the other components of the Port of the Future Project must be aggregated and evaluated as a single project for environmental review purposes. Moreover, HUD and National Environmental Policy Act ("NEPA") (42 U.S.C. 4321 et seq.) regulations require any environmental review of the 24 Acre Fill Project to analyze the cumulative impacts of all of the components of the Port of the Future Project. Accordingly, MDA should withdraw the FONSI and RROF contained in the February 2011 Notices.

Furthermore, under HUD's regulations, the release of \$481 million in federal Community Development Block Grant ("CDBG") funds (over 80% of the total funding allocated for the entire Port of the Future Project)¹ for just the 24 Acre Fill Project, which comprises just three of the nine programs/activities contemplated by the Port of the Future Project (as embodied in the MDA's action plans), would constitute a substantial amendment to MDA's action plans. As a result, HUD's regulations require MDA to draft and publish a new action plan detailing the substantial amendment and issue the amended action plan for public notice and comment before it is submitted to HUD for review and approval. The amended action plan must receive HUD approval before any release of CDBG funds can be sought.

II. BACKGROUND

There are ten projects/plans/permits relevant to this comment and objection letter, including: 1) the 84 Acre Fill Project; 2) the 1998 Army Corps Permit; 3) the 2007 Gulfport Master Plan; 4) the 2007 Application to the Army Corps; 5) the September 2007 Action Plan; 6) the December 2007 Action Plan; 7) the September 2008 modification of the 2007 Master Plan approved by the MSPA on October 24, 2008, which has been called the Port of the Future Project; 8) the October 27 2008 Action Plan Modification; 9) the 2010 Application to the Army Corps; and 10) the April 2010 Army Corps Notice.² They are summarized and discussed below to illuminate why the 24 Acre Fill Project should be aggregated with the Port of the Future Project for environmental impact review under NEPA and HUD regulations.

A. The 1998 Port Expansion Permit

The Port of Gulfport ("Port") has a long history of expansion proposals and this history demonstrates that well before the major expansion plan devised by the Mississippi State Port Authority ("MSPA") after Hurricane Katrina, there were major environmental concerns raised that were never properly addressed. Prior to 1991, the Port facility occupied 286 acres in the Mississippi Sound. In 1991, a 29-acre fill expansion was permitted to accommodate existing and anticipated future containers throughput for the next 50 years. In 1994, the MSPA devised a master plan for greater expansion of the Port (the "1994 Gulfport Master Plan").

As part of the 1994 Gulfport Master Plan, MSPA sought dredge and fill permits from the U. S. Army Corps of Engineers ("Army Corps") for, among other things, the filling of 84 acres of open water, the dredging of 300,000 cubic yards (cy) of material, and the construction of a 900' by 150' pier extension (the "84 Acre Fill Project"). In response to MSPA's application to the Army Corps for the dredge and fill permits associated with the 84 Acre Fill Project, the National Oceanic and Atmospheric Administration's National Marine Fisheries Service ("NMFS"), the U. S. Department of

¹ In fact, news reports now indicate that the 24 Acre Fill Project is expected to consume all of the \$570 million in federal CDBG funds. See <http://www.portofthefuture.com/News.aspx?NewsID=138>.

² Capitalized terms not previously defined are defined below.

Interior's Fish and Wildlife Service, and the U.S. Environmental Protection Agency ("EPA") found that the 84 Acre Fill Project may result in substantial and unacceptable impacts. Also, the EPA recommended that an environmental impact statement ("EIS") be prepared and that an environmental assessment ("EA") would not adequately document significant effects of the 84 Acre Fill Project as proposed. Despite these objections, an EIS was not completed for the 84 Acre Fill Project, and the Army Corps issued a permit for the 84 Acre Fill Project in July 1998 (the "1998 Army Corps Permit").³

The 84 Acre Fill Project was to be completed in three phases. Under Phase I, 30 acres were to be filled for expansion of the container storage area and construction of the extension of the West Pier. Phase II called for filling an additional 30 acres of open water. Phase III called for filling the remaining 24 acres and for an on-dock intermodal facility providing transfer to a railroad extension. Thereafter, apparently because of the lack of funds, little work was done on the 84 Acre Fill Project. Notwithstanding, MSPA sought and received several permit extensions from the Army Corps. The last extension, which was granted by the Army Corps in 2009, extended the expiration date of the 1998 Army Corps Permit through July 9, 2013.

B. New Proposals for the Expansion of the Port

In 2003, consultants for MSPA formulated a new master plan (the "2003 Gulfport Master Plan") that called for construction of four casinos and two cruise terminals, in addition to expanding the piers as provided for in the 1994 Gulfport Master Plan. However, after Hurricane Katrina, and after Mississippi was awarded over \$5.5 billion in CDBG funds by HUD for recovery from the disaster, the MSPA hired a consultant to analyze and reevaluate the 2003 Gulfport Master Plan. As a result of that analysis, in June 2007, the MSPA approved a proposal involving a major expansion of the Port, dwarfing the 1994 and 2003 Gulfport Master Plans and what was envisioned when the 1998 Army Corps Permit was issued (the "2007 Gulfport Master Plan"). Indeed, the 2007 Gulfport Master Plan called for the single greatest expenditure of taxpayer money for any state enterprise in the history of Mississippi, with a cost that was ten times the cost required for hurricane-related damage to the Port.

On September 7, 2007, MDA submitted a proposal to HUD in the form of an Action Plan (the "September 2007 Action Plan") seeking diversion of \$600 million of CDBG funds from housing recovery programs to expand the Port. The September 2007 Action Plan addressed the 2007 Gulfport Master Plan with the following statement: "[t]he Mississippi Port Authority has completed a master plan for the re-development of the Port. The Plan projects approximately 5,400 direct and indirect maritime jobs to be generated by the year 2015." By letter of September 24, 2007, the undersigned objected

³ At that time, the Office of Chief Engineers directed the Army Corps' Mobile District to evaluate the direct, secondary and cumulative impacts of the port expansion in a programmatic EIS that was being prepared to address large-scale coastal development in Mississippi. This programmatic EIS was not finalized until 2005, and, in any event, failed to adequately address concerns related to expansion of the Port.

to the September 2007 Action Plan. On December 12, 2007, the MDA submitted another proposal to HUD in the form of an Action Plan (the "December 2007 Action Plan") which is virtually identical to the September 2007 Action Plan, again stating that "[t]he 2007 Master Plan Update projects approximately 5,400 direct, induced and indirect maritime jobs to be generated by the year 2015." Over our objection to the December 2007 Action Plan, by letter of January 23, 2008, HUD approved the December 2007 Action Plan on January 25, 2008.

In addition, during the period that MDA was seeking the \$600 million diversion in funding from HUD, the MSPA submitted on November 20, 2007 an application to the Army Corps for dredge and fill permits associated with the 2007 Gulfport Master Plan (the "2007 Application to the Army Corps"). Despite the obvious increase in the environmental impact and the tremendous size of the 2007 Gulfport Master Plan, the MSPA did not prepare or submit an EIS with the 2007 Application to the Army Corps and instead relied on a mere EA.

Several agencies and organizations, including the undersigned, submitted in depth objections to the Army Corps' proposed issuance of dredge and fill permits related to the 2007 Gulfport Master Plan.⁴ Prior to the Army Corps completing its review, the MSPA withdrew its 2007 Army Corps Application in the spring of 2008. The MSPA's withdrawal was based on an analysis of a consulting firm hired as project manager for the 2007 Gulfport Master Plan, which concluded, among other things, that "no competitive position assessment or clear business plan" had been prepared for the 2007 Gulfport Master Plan.

On September 12, 2008, MSPA announced a new expansion "concept" for the Port (the "Port of the Future Project"). While there was no written plan accompanying this conceptual plan, it was apparent that the Port of the Future Project included, among other things, completing Phase III of the 84 Acre Fill Project with the filling of the remaining 24 acres. Despite the lack of a formal written plan, on October 24, 2008, the MSPA adopted the Port of the Future Project.

Because the MDA concluded that certain actions contemplated by the Port of the Future Project were substantially different than the actions set forth in the 2007 Gulfport Master Plan (as embodied in the December 2007 Action Plan), on October 27, 2008, MDA submitted to HUD a modification to the December 2007 Action Plan (the "October 2008 Action Plan Modification"). On November 10, 2008, the undersigned submitted comments objecting to the October 2008 Action Plan Modification, because it was based

⁴ By way of background, on December 20, 2007, NMFS submitted a letter concerning the 2007 Application to the Army Corps, which raised major environmental concerns with the filling and dredging of the harbor and the wetlands fill of 70 acres for the inland port. The letter recommended (1) that the permit for the filling of 145 acres and excavating 430 acres of the Mississippi Sound be denied; and (2) that further consideration of any Port expansion should require extensive, objective analysis of less damaging alternatives and suitable mitigation options accomplished through the preparation of an EIS. The undersigned's objection to MSPA's application to the Army Corps also asserted that the EA was inadequate and that a proposal of this breadth and impact required a full EIS.

only on a concept plan and would require funding beyond the \$600 million approved for the December 2007 Action Plan. In short, a major basis for our objection was that MDA had not demonstrated how the Port of the Future Project would be financed beyond the \$600 million approved. MDA ignored our comments and submitted the concept plan to HUD on November 18, 2008. Before we even had a chance to comment, HUD approved the concept plan (i.e., the Port of the Future Project) on November 21, 2008, with little apparent consideration but reduced the CDBG funding to \$570 million.

On February 6, 2009, the MDA issued a FONSI and RROF similar to those contained in the February 2011 Notices. The February 6, 2009 RROF sought the release of more than \$22 million of the \$570 HUD CDBG funding that had been approved in 2008. This funding was for the completion of the 60-acre fill project contemplated under Phases I and II of the 1998 Army Corps Permit, which was only a portion of the Port of the Future Project proposal. By letter of March 6, 2009, the undersigned objected to the February 6, 2009 Notices on grounds that 1) MSPA still had not yet released a detailed plan for the Port of the Future Project; and 2) MSPA could not rely on the 1998 Army Corps Permit without aggregating the Port of the Future Project with the 84 Acre Fill Project and conducting comprehensive environmental review of both projects, which in light the massive scope and significant environmental impacts of the Port of the Future Project, would require preparation of an EIS. Nonetheless, MDA's request was apparently approved and \$22 million was released by HUD for completion of Phases I and II of the 1998 Army Corps Permit.

III. EVENTS LEADING TO THE FEBRUARY 2011 NOTICE

In March 2010, the MSPA submitted a new application to the Army Corps for dredge and fill permits related to the Port of the Future Project expansion plan (the "2010 Application to the Army Corps"). The 2010 Application to the Army Corps seeks approval for, among other things, the filling of approximately 700 acres of open water, completing Phase III of the 84 Acre Fill Project with the filling of the remaining 24 acres, the construction of wharves, piers, bulkheads and breakwater structures, the construction of new a turning basin, dredging operations for a new turning basin, and elevating the Port to +25 feet.

MSPA hired a consultant to prepare an EIS for the Port of the Future Project in October 2010, and the consultant is in the early stages of formulating an EIS.⁵ Preparation of the EIS for the Port of the Future Project is expected to take well over a year. The Army Corps will not make a decision on the 2010 Application to the Army Corps until the EIS is completed.

MSPA has conceded that any environmental analysis completed with respect to the 1998 Army Corps Permit and 84 Acre Fill Project cannot be used for the Port of the Future Project, because MSPA has hired a consultant to prepare an EIS for the Port of the Future Project. Given the substantial changes in the scope, nature and extent of the 84

⁵ The first public scoping meeting for this proposal is scheduled for March 31, 2011.

Acre Fill Project that have occurred since 1998, and the new circumstances and environmental conditions that have arisen since the issuance of the 1998 Army Corps Permit (e.g., the aftermath of Hurricane Katrina and the nearly \$600 million in federal funding earmarked for rebuilding the Port), an EIS is required for the aggregated projects contemplated by the Port of the Future Project, including the 24 Acre Fill Project. In order for the Army Corps to be able to fully assess the Port of the Future Project's true impacts from an environmental, public health, and environmental justice perspective, an EIS is clearly necessary.

Nonetheless, even before the MSPA had hired a consultant to do a full EIS for the entire Port of the Future Project, MSPA started the process of preparing an EA for the 24 Acre Fill Project for which release of \$481 million is now sought in the February 2011 RROF. This EA has been completed and is the putative basis for the FONSI issued on February 7, 2011.

On September 27, 2010, MSPA also sought Army Corps approval to modify the 1998 Army Corps Permit and commence with Phase III of the 84 Acre Fill Project. Specifically, MSPA sought significant modifications to the 1998 Army Corps Permit to accommodate the following actions: 1) changing the proposed location of the 24 acre fill site; 2) allowing for additional disposal alternatives (i.e., beneficial use) for the dredged material; 3) elevating the West Pier terminal area to +25 feet; and 4) constructing new pile supported crane rail structures. By letter dated December 13, 2010, the Army Corps approved MSPA's requested modifications to the 1998 Army Corps Permit and granted authorization for MSPA to commence with the completion of Phase III of the 84 Acre Fill Project (i.e., filling 24 Acres of open water).

The 24 Acre Fill Project (which encompasses Phase III of the 84 Acre Fill Project) is plainly only one part of the Port of the Future Project. Indeed, on April 16, 2010 the Army Corps published a notice with respect to the 2010 Application to the Army Corps (the "2010 Army Corps Notice"), which explicitly states that the Port of the Future Project would "include the 84-acre fill area that was originally authorized under Department of the Army permit MS96-02828-U." (emphasis added). In addition, the 2010 Army Corps Notice also describes the Port of the Future Project as a project with far greater activities than the 24 Acre Fill Project.

Furthermore, it is clear from the 2010 Army Corps Notice, as was indicated in the December 2007 Action Plan and October 2008 Action Plan Modification approved by HUD, that the MSPA then contemplated that the \$570 million in CDBG funds would be funding the entire Port of the Future Project. As stated in the 2010 Army Corps Notice: "the purpose of the proposal is for the restoration and revitalization of the existing port facility associated with a Community Development Block Grant through the U.S. Department of Housing and Urban Development in the amount not to exceed \$570 million."

IV. DISCUSSION

As discussed in greater detail below, the FONSI and RROF contained in the February 2011 Notices are illegal; consequently, the MDA must withdraw both the FONSI and the RROF. First, the MDA has violated federal laws and regulations by failing to aggregate the 24 Acre Fill Project with the Port of the Future Project in its environmental review. Second, the proposed use of all of the \$570 million in CDBG funds approved by HUD for the Port of the Future Project for just one part of the project (*i.e.*, the 24 Acre Fill Project) constitutes a substantial amendment to MDA's 2007 and 2008 Action Plans and, thus, requires MDA to prepare of a modification to those plans which will be subject to public notice and comment before it is submitted to HUD for final consideration.

A. MDA's Failure to Aggregate the 24 Acre Fill Project With the Expanded Port Project In Its Environmental Review Is a Violation of Federal Laws and Regulations

NEPA and the Council on Environmental Quality's ("CEQ") implementing regulations (40 C.F.R. 1500 et seq.) require federal agencies proposing to take a major federal action to determine whether that action will significantly affect the quality of the human environment.⁶ 42 U.S.C. § 4332(C). To that end, the agency must prepare an EA. 40 C.F.R. § 1501.4(b). In determining the significance of a project's impacts, an EA must analyze direct, indirect and cumulative impacts. 40 C.F.R. §§ 1508.7, 1508.8.

Moreover, HUD regulations require MDA to "group together and evaluate as a single project all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions." 24 C.F.R. § 58.32(a). Section 58.32 explains in relevant part that:

The purpose of project aggregation is to group together related activities so that the responsible entity can: (1) Address adequately and analyze, in a single environmental review, the separate and combined impacts of activities that are similar, connected and closely related, or that are dependent upon other activities and actions [See 40 CFR 1508.25(a)]; (2) Consider reasonable alternative courses of action; (3) Schedule the activities to resolve conflicts or mitigate the individual, combined and/or cumulative effects; (4) Prescribe mitigation measures and safeguards including project alternatives and modifications to individual activities.

24 C.F.R. § 58.32(c).

In addition, Section 58.32(d) provides:

⁶ While HUD has delegated its NEPA responsibilities to MDA, under HUD's regulations, the responsible entity (*i.e.*, MDA) must assume responsibilities for environmental review, decision-making and action that would apply to HUD under NEPA, and CEQ and HUD regulations. See 24 C.F.R. §§ 58.4, 58.5, 58.10 and 58.18.

... When a recipient's planning and program development provide for activities to be implemented over two or more years, the responsible entity's environmental review should consider the relationship among all component activities of the multi-year project regardless of the source of funds and address and evaluate their cumulative environmental effects. The estimated range of the aggregated activities and the estimated cost of the total project must be listed and described by the responsible entity in the environmental review and included in the RROF. The release of funds will cover the entire project period.

24 C.F.R. § 58.32(d).

The EA on which MDA relies in issuing the FONSI for the 24 Acre Fill Project contravenes federal regulations because it does not aggregate the 24 Acre Fill Project with the other component activities of a multi-year project (*i.e.*, the Port of the Future Project) for environmental review purposes, even though all of the activities are part of a greater effort to revitalize and rebuild the Port. Moreover, upon information and belief, the EA fails to analyze the cumulative environmental impact of all the components of the Port of the Future Project as required under NEPA and HUD regulations.⁷ Instead, the EA only analyzes the impact of the 24 Acre Fill Project.⁸

The 24 Acre Fill Project (*i.e.*, Phase III of the 84 Acre Fill Project) is inextricably linked to the Port of the Future Project on both a geographical and functional basis. As the 2010 Army Corps Notice states "[t]he [Port of the Future Project] would . . . include the 84-acre fill area that was originally authorized under [the 1998 Army Corps Permit]." Due to the passage of time and changed circumstances (*e.g.*, the aftermath of Hurricane Katrina and the nearly \$600 million in federal funding earmarked for rebuilding the Port), MDA can neither rely on the environmental review conducted in 1998 with respect to the 84 Acre Fill Project, nor rely on an EA that does not aggregate the 24 Acre Fill Project

⁷ Because we do not have a copy of the EA, we are unable to conclude with certainty whether a proper cumulative impact analysis was performed. To the extent the EA does not evaluate the 24 Acre Project with the Port of the Future Project on a cumulative basis, the EA is defective under NEPA and HUD regulations. The fact that the EA is not readily available (*e.g.*, posted on the internet) is grounds to delay the release of funds and extend the comment period until such document and attendant Environmental Review Record are provided to the undersigned or made readily accessible on the internet. Indeed, for all projects in the Port using CDBG funds, all project permitting and environmental impact review documents should be placed on the web promptly after their creation.

⁸ In December 2010, when the Army Corps approved the modifications to the 1998 Army Corps Permit, it appears to have done so without conducting additional NEPA review or providing public notice. Because the MSPA's requested modifications result in "significant increases in scope of a permitted activity," the Army Corps should have processed the modification request as a new application for a permit. 33 C.F.R. § 325.7. Accordingly, the Army Corps should have issued the proposed modification to the 1998 Army Corps Permit for public notice and comment and conducted further environmental review under NEPA. Furthermore, such additional NEPA review necessarily would require the Army Corps to aggregate Phase III of the 84 Acre Fill Project (*i.e.*, filling 24 acres) with the other component activities of the Port of the Future Project, because all of those activities are related either on a geographical and functional basis, or are logical parts of a composite of contemplated actions to revitalize and rebuild the Port.

with the other components of the Port of the Future Project, or consider the cumulative impact of all of the components of the Port of the Future Project. MDA is clearly required to “group together” the 24 Acre Fill Project with the other components of the Port of the Future Project and “evaluate them as a single project.”

Furthermore, in light of the 2010 Army Corps Notice, we disagree with the statement contained in the February 2011 Notices that “the [24 Acre Fill Project] will have substantial independent utility irrespective of any future, proposed expansion.” MDA’s statement is conclusory and is devoid of analysis. The 24 Acre Fill Project, which incorporates Phase III of the 84 Acre Fill Project, has clearly been an integral part of the revitalization and rebuilding of the Port as evidenced by the fact that the completion of Phase III of the 84 Acre Fill Project has been a one component of every master plan issued since Hurricane Katrina. Moreover, the fact that the entire \$570 million in federal CDBG funding allocated for the Port of the Future Project is now being used solely for the 24 Acre Fill Project, proves that 24 Acre Fill Project is intrinsically linked to the overall Port of the Future Project and does not have independent utility.

MSPA has already started preparing an EIS for the entire Port of the Future Project, which as stated above, includes the 24 Acre Fill Project. As such, the basis for MDA’s issuance of a FONSI is fatally flawed. Segregating the modified 24 Acre Fill Project from the other components of the Port of the Future Project frustrates the purpose of NEPA and contravenes HUD regulations by preventing environmental review of the separate and combined impacts of similar, closely related, interdependent activities. In short, MDA cannot now rely on an EA for issuing a FONSI for the 24 Acre Fill Project at the same time that MSPA is preparing an EIS for the entire Port of the Future Project, of which the 24 Acre Fill Project is but one part. Instead, MDA is required to aggregate all of the components of the Port of the Future Project, including the 24 Acre Fill Project, for environmental review purposes in a single EIS.

B. MDA’s Proposed Use of the \$570 Million in CDBG Funding For One Portion of the Port of the Future Project Constitutes a Substantial Amendment to the October 2008 Action Plan Modification and, Thus, Requires Further Public Notice and Comment

HUD regulations require MDA to submit an Action Plan in order for MDA to receive federal CDBG funds. The Action Plan is a planning document which, among other things, indicates the activities for which CDBG funds will be spent. Importantly, HUD regulations require MDA to amend its Action Plan whenever it makes one of the following decisions: 1) to make a change in its allocation priorities or a change in the method of distribution of funds; 2) to carry out an activity using funds from any program covered by the Action Plan (including program income), not previously described in the action plan; or 3) to change the purpose, scope, location or beneficiaries of an activity. 24 C.F.R. § 91.505. Moreover, as MDA concedes in its January 27, 2011 letter to us, “adding or deleting an activity or changing the planned beneficiaries of an activity may necessarily constitute a substantial change requiring an amendment to the action plan.”

Substantial amendments must be subject to at least a 30-day notice and comment period before the substantial amendment can be implemented. 24 C.F.R. § 91.115.

As noted above, MDA submitted its initial action plan in September 2007 and resubmitted this plan in December 2007. The December 2007 Action Plan states that the projects contemplated by the plan include, but are not limited to, an inland port program, the dredging/wharf construction program, the terminal backlands, and the terminal gates program. In October 2008, MDA submitted Modification 1 to the December 2007 Action Plan (i.e., the October 2008 Action Plan Modification). MDA conceded that the October 2008 Action Plan Modification was a substantial amendment to the December 2007 Action Plan, because it allowed for, among other things, 1) mitigation through raising the elevation of the Port to an estimated 25 feet; 2) the deepening the channel to accommodate larger ships; 3) the purchase of land for environmental mitigation; 4) the purchase of maritime and/or construction related assets and equipment to assist in restoration and provide for the long term recovery of the operating capacity of the Port; and 5) the commissioning of studies to assist permitting agencies in evaluation of the plan.

Despite the fact that December 2007 Action Plan and October 2008 Action Plan Modification list nine programs/activities which are to be funded by the \$570 million CDBG grant, the February 2011 RROF limits over 80% of the funding to the 24 Acre Fill Project, just a mere fraction of the activities (three of nine) contemplated in either the December Action Plan or the October 2008 Action Plan Modification. Moreover, as noted above news reports now indicate that the 24 Acre Fill Project is expected to consume all the \$570 million in federal funds. Clearly, MDA has effectively deleted six programs/activities from its action plans and has changed its allocation priorities by allocating the entire \$570 million in CDBG funding to only the three activities contemplated by the 24 Acre Fill Project. Such a major change constitutes a substantial amendment to the October 2008 Action Plan Modification approved by HUD and requires the substantial amendment to be formally issued for public comment and then submitted to HUD for consideration. In short, MDA must seek and obtain approval of this substantial amendment before it can seek release of the CDBG funds approved for the Port.

V. CONCLUSION

For the forgoing reasons, the FONSI and RROF contained in the February 2011 Notices are illegal; therefore, MDA should withdraw the FONSI and RROF contained in the February 2011 Notices. An environmental review, including the preparation of an EIS that aggregates all of the component activities of the Port of the Future Project is required before funding for any aspect of the Port of the Future Project can be released. Moreover, the release of the entire \$570 million in federal CDBG funds for a small fraction of the activities included in the December 2007 Action Plan and the October 2008 Action Plan Modification would constitute a substantial amendment to those action plans. Under HUD's regulations, this substantial amendment must be drafted and

published for public notice and comment and then submitted to HUD for consideration before any request for release of the funds is appropriate.

Sincerely,

Reilly Morse

Reilly Morse
Senior Attorney
Mississippi Center for Justice

Joseph D. Rich

Joseph D. Rich (sup) R
Director, Fair Housing Project
Lawyers Committee for Civil Rights
Under Law

cc: Mercedes Marquez, Assistant Secretary CPD, US Department of Housing and Urban Development
Scott Davis, CPD, US Department of Housing and Urban Development
Roberta Avila, Steps Coalition
Robert Alessi, Esq. Dewey and LeBoeuf LLP
Damon Young, US Army Corps of Engineers

From: reilly morse <reillymorse@mac.com>
Subject: **Comments on February 7, 2011 FONSI/RROF**
Date: February 25, 2011 2:55:44 PM CST
To: disasterrecoverycomments@mississippi.org
Cc: Scott G Davis <Scott.G.Davis@hud.gov>, Joe Rich <joerich@lawyerscommittee.org>, roberta avila <ravila@cableone.net>, "Robert J. Alessi" <RAlessi@deweyleboeuf.com>, Mercedes M Marquez <Mercedes.M.Marquez@hud.gov>
Bcc: John Jopling <jjopling@mscenterforjustice.org>, howard page <stepsorg1@gmail.com>, Beth Orlansky <borlansky@mscenterforjustice.org>
Mime-Version: 1.0 (Apple Message framework v1082)
Content-Type: multipart/mixed; boundary=Apple-Mail-22-385080717
X-Smtp-Server: smtp.me.com:reillymorse
X-Universally-Unique-Identifier: 4db572aa-e0a8-4daf-b249-af87d72660d2
Message-Id: <91EC0463-8CC9-45BA-83F8-C58FEABFF087@mac.com>
▶ 1 Attachment, 480 KB

Please see attached letter.

Sincerely,

Reilly Morse
Mississippi Center for Justice
963 Division Street
Biloxi, MS 39530



DOCrm.pdf (480 KB)

MISSISSIPPI CENTER FOR JUSTICE

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A Mississippi Nonprofit Corporation

April 10, 2013

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Ed Jennings, Jr.

Regional Administrator

U.S. Department of Housing and Urban Development

Atlanta Regional Office

Five Points Plaza Building

40 Marietta Street

Atlanta, GA 30303

VIA FAX 404-730-2392

re: Mississippi State Port at Gulfport

HUD/State identification number: B06DG280001

Dear Mr. Jennings:

We write on behalf of the Port Campaign Coalition, comprised of several community organizations, including the North Gulfport Community Land Trust, NAACP Gulfport Chapter, Gulf Restoration Network, Soria City Civic Organization, Gulf Coast Group of the MS Chapter of the Sierra Club, North Gulfport Civic Club, and Steps Coalition. We request that the U.S. Department of Housing and Urban Development ("HUD") reevaluate the environmental assessment submitted as part of MDA's 2011 request for the release of disaster-related CDBG funds, a request which was approved by HUD in 2011 for the captioned Mississippi State Port at Gulfport project (the "Port" or "Project"). That environmental review did not meet the requirements under the National Environmental Policy Act ("NEPA").¹ We call your attention in particular to the environmental justice determination, which was required as part of the December 2010 environmental assessment for the MSPA's request to HUD and which has significant flaws (see attachment A).

The MSPA's environmental justice assessment confines its inquiry to Census Tract 14, which is an overwhelmingly white beachfront enclave in Gulfport. By limiting the analysis to the beachfront, the analysis fails to correctly analyze the broad environmental justice geography affected by the Project. Four predominantly African American census tracts will have disproportionately higher concentrations

¹ This letter is in supplement to our letter of March 18, 2013 to Assistant Secretaries Johnston and Trasvina, of which you received a copy.



APR 12 2013

of exposure to air pollution from increases in truck and rail traffic traveling along the I-10/SR 601 port connector road and the Kansas City Southern Railway. A comparison of Census Tract 14, population 1,691, and these four census tracts which represent approximately 12,000 residents, appears below. A map depicting this geography is included as attachment B.

Census Tract	Location	Percent Minority	Percent White
14	East Beach	12%	79%
2	Soria City to Brickyard Bayou	47%	44%
23	Central Gulfport	57%	36%
18	N. Gulfport to Turkey Creek	81%	13%
24	North Gulfport	83%	12%

The City of Gulfport has demanded that the MSPA conduct a roadside air emissions study to determine if there would be disproportionate adverse air emissions effects upon these four census tracts, but the MSPA has refused this request. Since the requirement to assure compliance with NEPA was delegated to HUD under the Supplemental Appropriation bill and related regulations, we are asking you to reevaluate this issue.

More broadly, we also write to request that HUD, along with the U.S. Environmental Protection Agency ("EPA"), the U.S. Department of Transportation ("DOT") and the U.S. Army Corps of Engineers Mobile District ("Army Corps"), coordinate in the re-evaluation of the overall environmental impact of the planned expansion of the Port. Thus far, environmental review of Port-related projects has been conducted in a piecemeal fashion, resulting in both the extreme segmentation of the reviews and in faulty or no consideration of environmental justice and

cumulative impact issues. Because of this, re-evaluation of previous environmental reviews is required. Specifically, we refer to the reviews submitted as part of the following permit applications:

1. Approval of the modification of permit no. MS9602828U by the Army Corps in December 2010 concerning Phase III of the 84 acre fill related to the Port project. The faulty environmental review for this permit was performed by the State of Mississippi as part of its request for the release of disaster-related CDBG funds administered by HUD.
2. The Environmental Impact Statement associated with application SAM 2009-1768 DMY to the Army Corps. This review is pending and should be re-evaluated because the plan originally submitted has been fundamentally modified in recent months.
3. The review done with respect to Port connector road permit issued by the Army Corps with regard to the SAM-2007-1082 MFM, 162+ acre wetlands fill. This permit has been vacated by court order and thus a new Environmental Assessment ("EA") is required.
4. The EA completed for HUD as part of the permit for Kansas City Southern track upgrade: Gulfport to Hattiesburg.
5. The environmental review needed for pending application SAM-2012-01418-DMY to the Army Corps for a permit related to a Turkey Creek area proposal which includes a 300+ acre wetlands fill for port transportation and warehouse elements, referred to as the Domain at Prime Center.

In addition, there may be additional environmental reviews required in the future because (1) the Port is presently considering using the Gulfport Fertilizer site, which contains over 100 acres of wetlands, located on 33rd Street near the predominantly African-American community of North Gulfport for an inland terminal,² and (2) future federal ship channel dredging of the Gulfport Ship Channel has been proposed.

Given the scope of the Project, the numerous permits already sought without consideration of environmental justice or cumulative impacts, and the dramatic level of project segmentation that has already occurred in past reviews, a coordinated

² See Mississippi Department of Environmental Quality's corrective action plan found at http://www.deq.state.ms.us/mdeq.nsf/page/CE_GulfportFertilizerGulfportMS?OpenDocument.

review by HUD, DOT, EPA and the Army Corps is necessary and, in fact, required by NEPA and environmental justice policy enunciated by the White House (see attachment C). We respectfully request that you initiate such a coordinated review by these agencies by bringing all of the above mentioned activities under a single comprehensive EIS. The 1994 Executive Order Executive Order 12898 created the Federal Interagency Working Group on Environmental Justice to guide, support and enhance federal environmental justice and community-based activities. This effort was reinforced by President Obama's Memorandum of Understanding on Environmental Justice, which was signed by HUD, DOT, EPA and the Department of Defense. It is further reinforced by the April 1, 2013 letter from EPA to the Army Corps suggesting the same approach (see attachment D). Where a project has such significant potentially adverse ramifications, a comprehensive and thoughtful strategy is especially appropriate.

We would welcome the opportunity to meet with you to discuss this request further.

Very Truly Yours,



Reilly Morfe
Mississippi Center for Justice

Joseph D. Rich
Lawyers' Committee for Civil Rights
Under Law

Gail Suchman
Stroock & Stroock & Lavan

cc.
Gwendolyn Keyes Fleming
Regional Administrator

U. S. Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta GA 30303

Craig Littiken, Chief- Regulatory Division
US Army Corps of Engineers, Mobile District
P O Box 2288
Mobile, AL 36628

REVIEWED BY ENVIRONMENTAL COMPLIANCE:
DATE 12/14/10

ENVIRONMENTAL ASSESSMENT
AND
ENVIRONMENTAL REVIEW RECORD

Community Development Block Grant Disaster Recovery Project
24-ACRE FILL, NEW TENANT TERMINALS AND INFRASTRUCTURE
MISSISSIPPI STATE PORT AT GULFPORT
GULFPORT, MISSISSIPPI

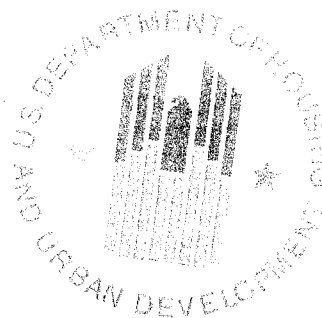


Prepared For:
Mississippi Development Authority
Jackson, Mississippi

By:
The Mississippi State Port at Gulfport
2510 14th Street, Suite 1450
Gulfport, Mississippi 39501

December 2010

Environmental Assessment
for HUD-funded Proposals
Recommended format per 24 CFR 58.36, revised March 2005
[Previously recommended EA formats are obsolete].



Identification: 24-Acre Fill, New Tenant Terminals and Infrastructure Project

Joseph O. Conn, P.E., Director of Disaster Recovery
Mississippi State Port at Gulfport

Entity: Mississippi Development Authority

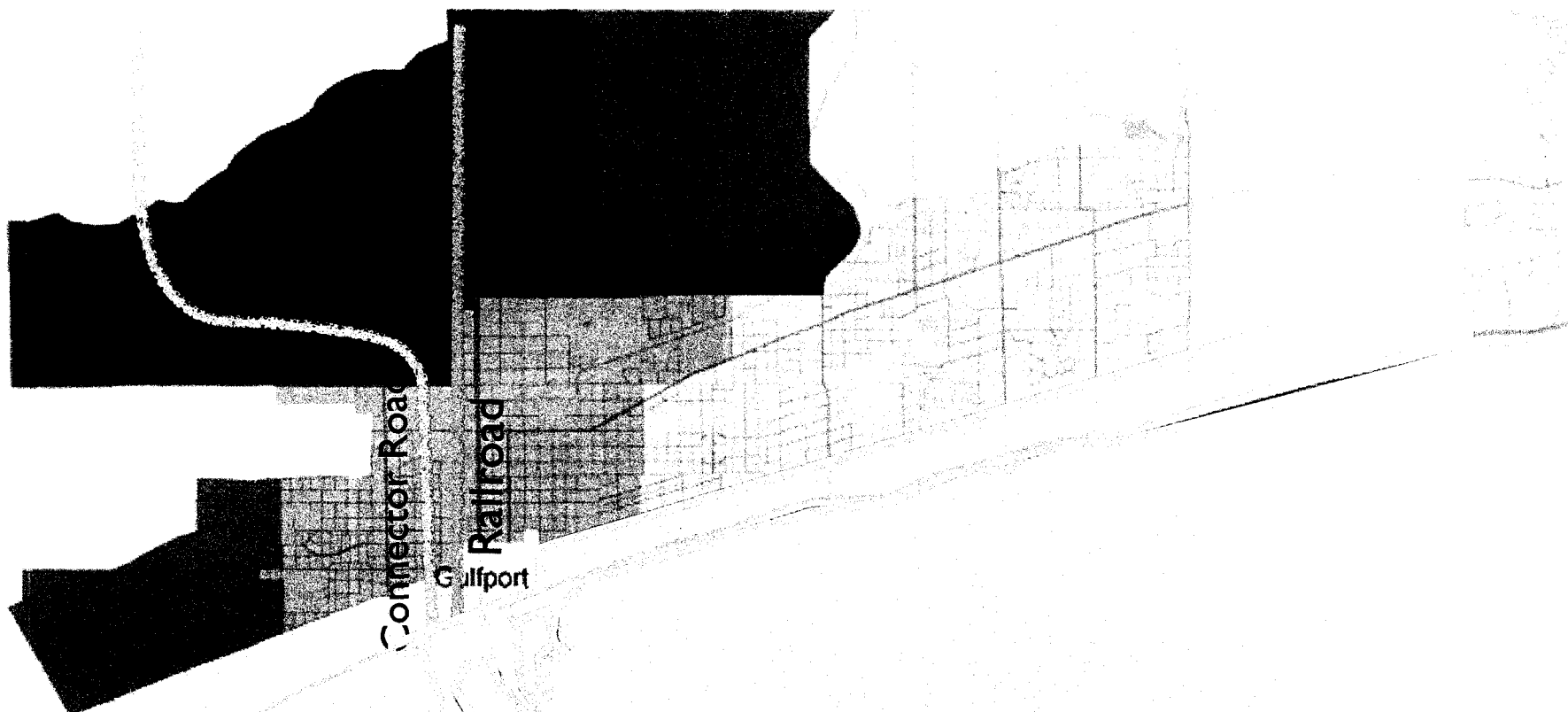
December 2010

Attachment A

Environmental Justice

[Executive Order 12898]

Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, is designed to focus the attention of federal agency actions that may result in a disproportionately high and adverse human health or environmental effects on minority and low-income populations. A Census Tract is considered to have a disproportionate percentage of minority populations under either of two conditions: (1) the percentage of persons in minority populations in the Census Tracts exceeds the percentage in the county, or (2) the percentage of minority populations in the Census Tract exceeds 50 percent. The Port lies within the Census Tract 14, Harrison County, Mississippi. According to U.S. Census Bureau data for the 2000 Census, the total population for Census Tract 14 was 4,215 with a minority population of 497 individuals (11.8%). The proposed action will not negatively impact a disproportionately high number of minority or low-income residents. Based on the 2000 Census, Census Tract 14 is not considered to be a Census Tract with a disproportionately high percentage of minority populations. The percentage of minority populations in Harrison County is 26.9 percent, therefore Census Tract 14, with a minority percentage of 11.8 percent is not considered to have a disproportionately high minority population. Census Tract 14 has a median family income of over \$30,341 compared to \$32,779 for City of Gulfport and \$35,624 for Harrison County; therefore, the proposed action will not have a disproportionate impact on low income residents. Also, there are no relocations required for the propose project. A copy of the Census Tract Data is provided in the ERR.

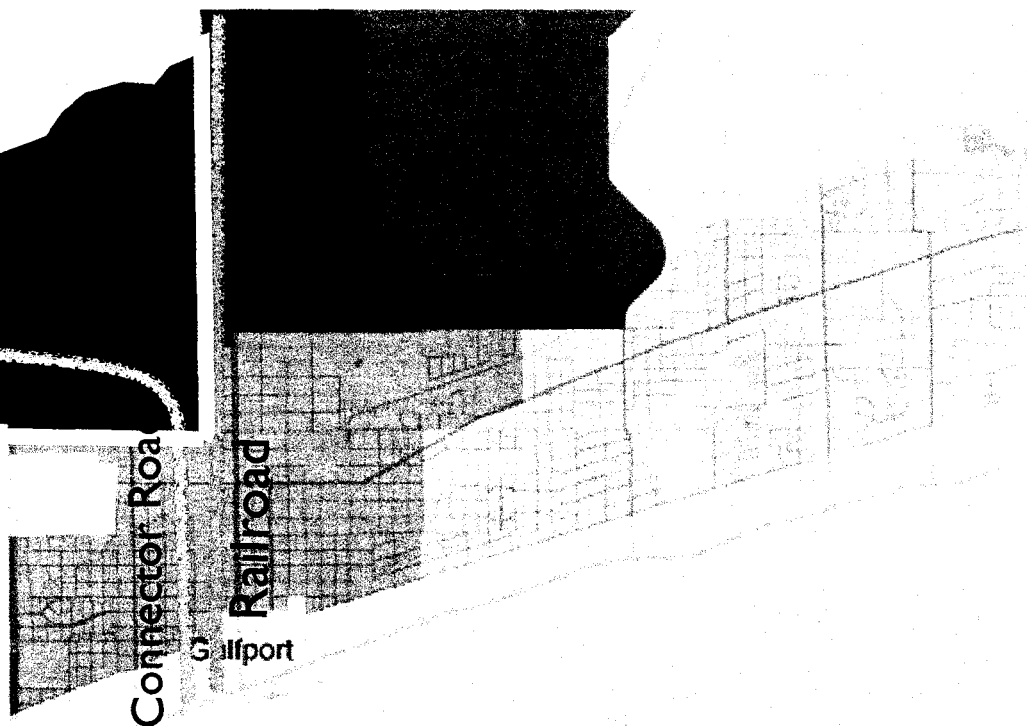


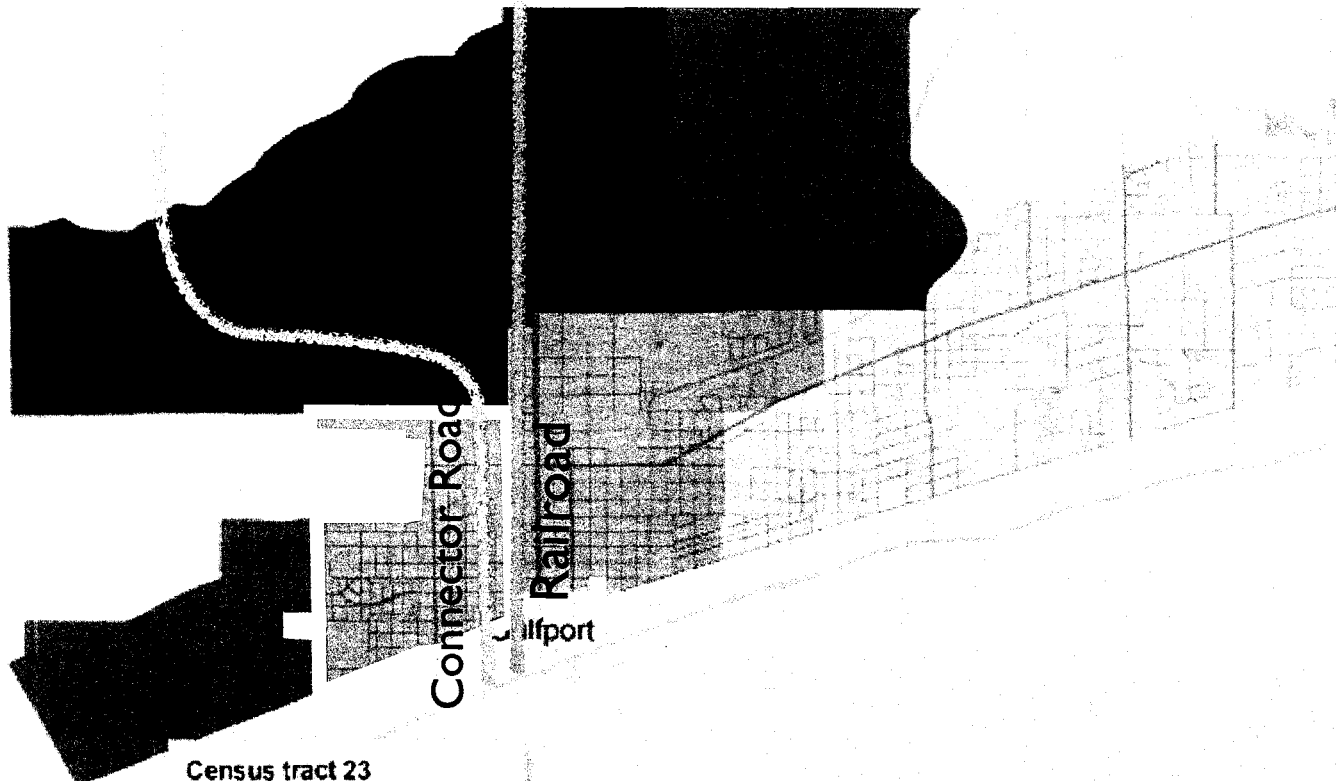
Census tract 14		
Population in 2010:		1,691
Change since 2000:		-59.9%
	SHARE OF POP	CHANGE FROM 2000
Whites:	79%	-63%
Blacks:	12%	-43%
Hispanics:	4%	-52%
Asians:	2%	-59%
Native Amer.:	1%	-15%
Multiracial:	2%	-35%
Other groups:	0%	-44%

Census tract 24

Population in 2010: **4,047**
Change since 2000: **-1.2%**

Whites:	12%	-22%
Blacks:	83%	-1%
Hispanics:	3%	+312%
Asians:	0%	0%
Native Amer.:	0%	+533%
Multiracial:	1%	+39%
Other groups:	0%	+100%





Census tract 23

Population in 2010: 2,153
 Change since 2000: -14.1%

	SHARE in 2000	CHANGE from 2000
Whites:	36%	-27%
Blacks:	57%	-7%
Hispanics:	4%	+54%
Asians:	2%	-5%
Native Amer.:	0%	-67%
Multiracial:	1%	0%
Other groups:	0%	+500%

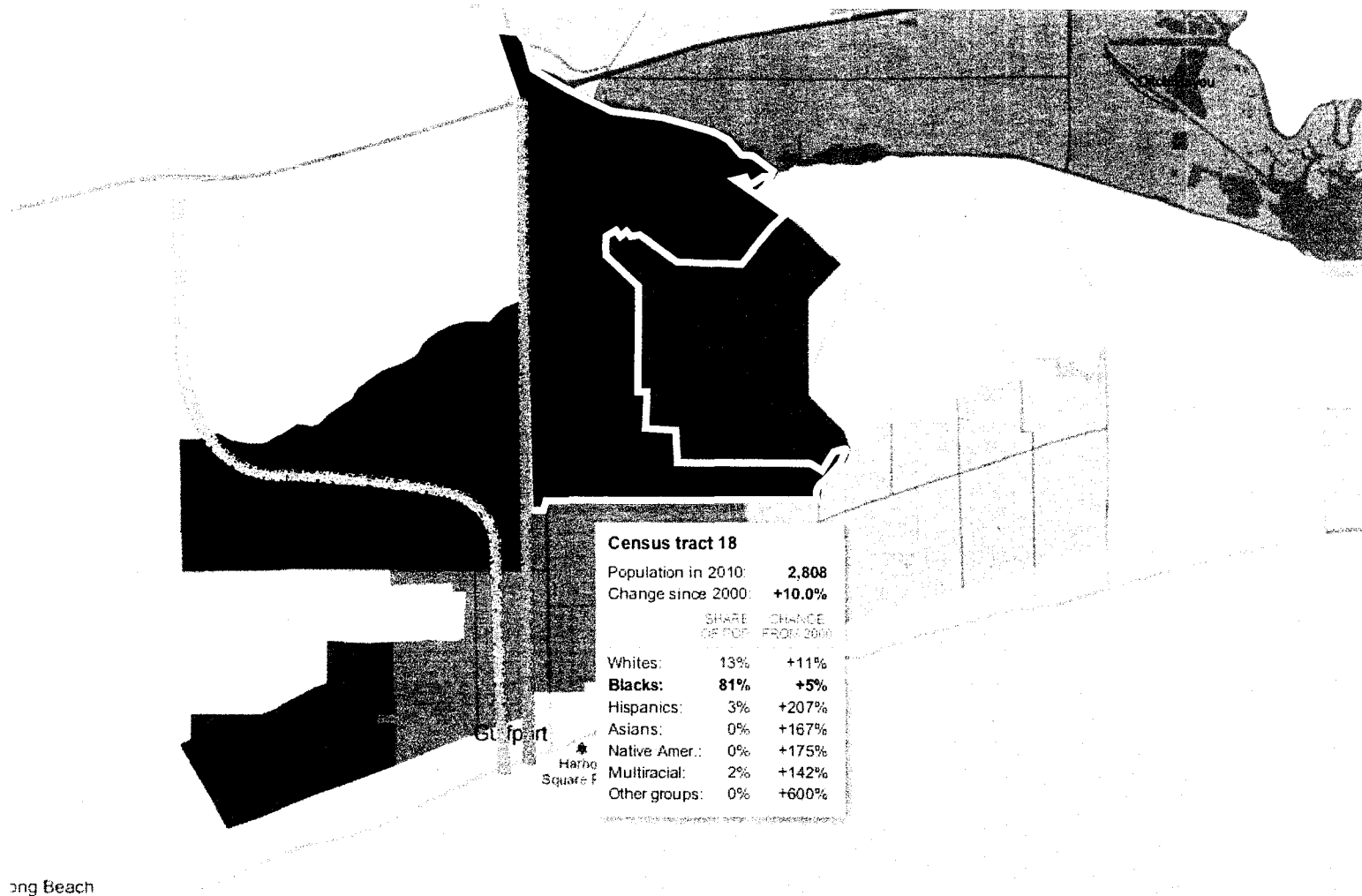
Connector Road

Railroad

Census tract 2

Population in 2010: **3,200**
Change since 2000: **-31.1%**

	SHARE OF POP	CHANGE FROM 2000
Whites:	44%	-36%
Blacks:	47%	-30%
Hispanics:	5%	+12%
Asians:	1%	-57%
Native Amer.:	0%	-21%
Multiracial:	2%	+4%
Other groups:	0%	-67%



Presidential Documents

Title 3—

Executive Order 12898 of February 11, 1994

The President

Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1—*Implementation.*

1–101. Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1–102. Creation of an Interagency Working Group on Environmental Justice. (a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency (“Administrator”) or the Administrator’s designee shall convene an interagency Federal Working Group on Environmental Justice (“Working Group”). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1–103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3–3 of this order;

(4) assist in coordinating data collection, required by this order;

(5) examine existing data and studies on environmental justice;

Attachment ✓

(6) hold public meetings as required in section 5-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. *Development of Agency Strategies.* (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. *Reports to the President.* Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. *Federal Agency Responsibilities for Federal Programs.* Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3-3. *Research, Data Collection, and Analysis.*

3-301. *Human Health and Environmental Research and Analysis.* (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. *Human Health and Environmental Data Collection and Analysis.* To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4-4. *Subsistence Consumption of Fish and Wildlife.*

4-401. *Consumption Patterns.* In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. *Guidance.* Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or

wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. *Public Participation and Access to Information.* (a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. *General Provisions.*

6-601. *Responsibility for Agency Implementation.* The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. *Executive Order No. 12250.* This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. *Executive Order No. 12875.* This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. *Scope.* For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. *Petitions for Exemptions.* The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. *Native American Programs.* Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. *Costs.* Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. *General.* Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance

of the United States, its agencies, its officers, or any other person with this order.

William Clinton

THE WHITE HOUSE,
February 11, 1994.

MEMORANDUM OF UNDERSTANDING ON
ENVIRONMENTAL JUSTICE AND EXECUTIVE ORDER 12898

WHEREAS, on February 11, 1994, the President signed Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" ("Executive Order 12898" or "Order"), and issued an accompanying Presidential Memorandum (references to this Order herein also generally include this Memorandum), and

WHEREAS, Executive Order 12898 applies to the following agencies: the Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of Health and Human Services, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of Transportation, and the Environmental Protection Agency. The Order applies to the following offices in the Executive Office of the President: Office of Management and Budget, Office of Science and Technology Policy, Office of the Deputy Assistant to the President for Environmental Policy, Office of the Assistant to the President for Domestic Policy, National Economic Council, and Council of Economic Advisers. The Order also applies to other agencies and offices as the President may designate, Executive Order 12898, sec. 1-102, 6-604 (Feb. 11, 1994). The agencies and offices that are listed in section 1-102 or designated by the President under section 6-604 of the Order are referred to herein as "covered agencies" and "covered offices," respectively, and

WHEREAS, Executive Order 12898 requires each covered agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations," *id.*, sec. 1-101, and

WHEREAS, each responsibility of a covered agency under Executive Order 12898 "shall apply equally to Native American programs," *id.*, sec. 6-606, and

WHEREAS, Executive Order 12898 establishes an Interagency Working Group on Environmental Justice ("Interagency Working Group") consisting of the heads of the agencies and offices listed above and any other officials designated by the President, or their designees, *id.*, sec. 1-102(a), and

WHEREAS, Executive Order 12898 directs the Interagency Working Group to assist the covered agencies by providing guidance and serving as a clearinghouse, *id.*, sec. 1-102(b), and

WHEREAS, Executive Order 12898, as amended, required that the then-covered agencies submit to the Interagency Working Group by March 24, 1995, an agencywide environmental justice strategy to carry out the Order, *id.*, sec. 1-103(e), as amended by Executive Order 12948 (Jan. 30, 1995), and

WHEREAS, Executive Order 12898 further required, within two (2) years of issuance, that the then-covered agencies provide to the Interagency Working Group a progress report on implementation of the agency's environmental justice strategy, Executive Order 12898, sec. 1-103(f), and

WHEREAS, Executive Order 12898 requires that covered agencies conduct internal reviews and take such other steps as may be necessary to monitor compliance with the Executive Order, *id.*, sec. 6-601, and provide additional periodic reports to the Interagency Working Group as requested by the Group, *id.*, sec. 1-103(g), and

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WHEREAS, Executive Order 12898 provides that a member of the public may submit comments and recommendations to a covered agency relating to the incorporation of environmental justice principles into the agency's programs or policies and provides that the agency must convey such recommendations to the Interagency Working Group, *id.*, sec. 5-5(a), and

WHEREAS, the covered agencies and the Interagency Working Group remain committed to full ongoing compliance with Executive Order 12898, and

WHEREAS, Executive Order 12898 does not preclude other agencies from agreeing to carry out the Order and to participate in the activities of the Interagency Working Group as appropriate, and as consistent with their respective statutory authorities and the Order;

NOW THEREFORE, the undersigned agencies (referred to herein as "Federal agencies") hereby agree:

I. Purposes

- A. To declare the continued importance of identifying and addressing environmental justice considerations in agency programs, policies, and activities as provided in Executive Order 12898, including as to agencies not already covered by the Order.
- B. To renew the process under Executive Order 12898 for agencies to provide environmental justice strategies and implementation progress reports.
- C. To establish structures and procedures to ensure that the Interagency Working Group operates effectively and efficiently.
- D. To identify particular areas of focus to be included in agency environmental justice efforts.

II. Authorities

This Memorandum of Understanding on Environmental Justice and Executive Order 12898 ("Memorandum of Understanding" or "MOU") is in furtherance of the Order, including the authorities cited therein. Federal agencies shall implement this Memorandum of Understanding in compliance with, and to the extent permitted by, applicable law.

III. Actions and Responsibilities

- A. Adoption of Charter.** This Memorandum of Understanding adopts the Charter for Interagency Working Group on Environmental Justice ("Charter") set forth in Attachment A. Each Federal agency agrees to the framework, procedures, and responsibilities identified in the Charter and agrees to provide the Interagency Working Group with the agency's designated Senior Leadership Representative and Senior Staff Representative by September 30, 2011.
- B. Participation of Other Federal Agencies.** While Executive Order 12898 applies to covered agencies, the Order does not preclude other agencies from agreeing to undertake the commitments in the Order. Likewise, while the Executive Order identifies the composition of the Interagency Working Group, other agencies may, to the extent consistent with the Order, participate in activities of the Interagency Working Group as appropriate. An agency that is either not a covered agency or not represented on the Interagency Working Group, or both, may become a "Participating Agency" by signing this Memorandum of Understanding. To the extent it is not already a covered agency, a Participating Agency agrees to carry out this Memorandum of Understanding, as well as Executive Order 12898, and to the extent it is not already

represented on the Interagency Working Group, a Participating Agency agrees to participate in activities of the Interagency Working Group, as appropriate. The term “Federal agency” herein refers to covered agencies that sign this MOU and to Participating Agencies that sign this MOU.

C. Federal Agency Environmental Justice Strategies; Public Input; Annual Reporting.

1. **Environmental Justice Strategy.** By September 30, 2011, after reviewing and updating an existing environmental justice strategy, where applicable, and as the agency deems appropriate, each Federal agency will post its current “Environmental Justice Strategy” on its public webpage and provide the Interagency Working Group with a link to the webpage. If the agency posts and provides a draft Environmental Justice Strategy, then it will post and provide its final Environmental Justice Strategy by February 11, 2012. Thereafter, each Federal agency will periodically review and update its Environmental Justice Strategy as it deems appropriate and will keep its current Environmental Justice Strategy posted with a link provided to the Interagency Working Group.
2. **Public Input.** Consistent with Executive Order 12898, section 5-5, each Federal agency will ensure that meaningful opportunities exist for the public to submit comments and recommendations relating to the agency’s Environmental Justice Strategy, Annual Implementation Progress Reports, and ongoing efforts to incorporate environmental justice principles into its programs, policies and activities.
3. **Annual Implementation Progress Report.** By the February 11 anniversary of Executive Order 12898 each year, beginning in 2012, each Federal agency will provide a concise report on progress during the previous fiscal year in carrying out the agency’s Environmental Justice Strategy and Executive Order 12898. This “Annual Implementation Progress Report” will include performance measures as deemed appropriate by the agency. The report will describe participation in interagency collaboration. It will include responses to recommendations submitted by members of the public to the agency concerning the agency’s Environmental Justice Strategy and its implementation of the Executive Order. It will include any updates or revisions to the agency’s Environmental Justice Strategy, including those resulting from public comment. The agency will post its Annual Implementation Progress Report on its public webpage and provide the Interagency Working Group with a link to the webpage.

D. Areas of Focus. In its Environmental Justice Strategy, Annual Implementation Progress Reports and other efforts, each Federal agency will identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations, including, but not limited to, as appropriate for its mission, in the following areas: (1) implementation of the National Environmental Policy Act; (2) implementation of Title VI of the Civil Rights Act of 1964, as amended; (3) impacts from climate change; and (4) impacts from commercial transportation and supporting infrastructure (“goods movement”). These efforts will include interagency collaboration. At least every three (3) years, the Interagency Working Group will, based in part on public recommendations identified in Annual Implementation Progress Reports, identify important areas for Federal agencies to consider and address, as appropriate, in environmental justice strategies, annual implementation progress reports and other efforts.

IV. Miscellaneous

- A. Parties, Effective Date, Amendment.** This MOU becomes effective for a Federal agency when it signs the MOU. An agency may sign the MOU at any time. The MOU may be amended by written agreement of the then-current signatory Federal agencies.
- B. Applicable Law.** Nothing in this MOU shall be construed to impair or otherwise affect authority granted by law to, or responsibility imposed by law upon, an agency, or the head thereof, or the status of that agency within the Federal Government. This MOU shall be implemented consistent with applicable law and subject to the availability of appropriations.
- C. Fiscal.** This MOU is not a fiscal or financial obligation. It does not obligate a Federal agency to expend, exchange or reimburse funds, services or supplies, or to transfer or receive anything of financial or other value.
- D. Internal Management.** This MOU and activities under it relate only to internal procedures and management of the Federal agencies and the Interagency Working Group. They do not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies or other entities, its officers, employees or agents, or any other person.

V. Signatures

A. Covered Agencies.

\S

Eric H. Holder, Jr.
Attorney General of the United States

Date: _____

\S

Ken Salazar
Secretary of the Interior

Date: _____

\S

Thomas J. Vilsack
Secretary of Agriculture

Date: _____

\S

Hilda L. Solis
Secretary of Labor

Date: _____

\S

Kathleen Sebelius
Secretary of Health and Human Services

Date: _____

\S

Ray LaHood
Secretary of Transportation

Date: _____

\S

Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency

Date: _____

\S

John Conger
Acting Deputy Under Secretary
(Installations and Environment)
Department of Defense

Date: _____

\S

Shaun Donovan
Secretary of Housing and Urban
Development

Date: _____

\S

Steven Chu
Secretary of Energy

Date: _____

\S

Rebecca M. Blank
Acting Secretary of Commerce

Date: _____

B. Participating Agencies and Offices.

\S

Arne Duncan
Secretary of Education

Date: _____

\S

Janet Napolitano
Secretary of Homeland Security

Date: _____

\S

Martha Johnson
Administrator
General Services Administration

Date: _____

\S

Eric K. Shinseki
Secretary of Veterans Affairs

Date: _____

\S

Nancy Sutley
Chair
Council on Environmental Quality

Date: _____

\S

Karen G. Mills
Administrator
Small Business Administration

Date: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

U.S. Army Corps of Engineers
Mobile District, Corps of Engineer
South Mississippi Branch Regulatory Division
P.O. Box 2288
Mobile, AL 36628-0001

Attention: District Engineer, C/o Mr. Damon M. Young

Subject: **Cumulative Assessment of Major Federal Projects in the Turkey Creek Watershed, City of Gulfport and Long Beach, Harrison County, MS.**

Dear Mr. Young:

The U.S. Environmental Protection Agency (EPA), Region 4 continues to be interested in discussing an approach to the National Environmental Policy Act (NEPA) analysis of the Turkey Creek Watershed in the Gulfport area. As you know, the Turkey Creek watershed is both an EPA and Mississippi Department of Environmental Quality (MDEQ) priority watershed that includes wetlands that are identified as sensitive aquatic resources. These wetlands are one of the first and last watering sites for neo-tropical migrant birds traveling between North America, and Central and South America. Turkey Creek is a 303(d) listed stream and the watershed includes portions of Gulfport and Long Beach and an expanding regional transportation center including the Port of Gulfport, the Gulfport-Biloxi Regional Airport, Interstate 10 and U.S. Highway 49.

At the lower end of the watershed lies the historic Turkey Creek Community, an environmental justice community settled in 1866 by emancipated slaves. Today this community is listed on the National Registry of Historic Places. Much of the neighborhood borders Turkey Creek (portions of which are used for fishing, swimming, and canoeing) and is within or adjacent to the 100-year flood zone. There are also other environmental justice communities located within the Watershed, such as North Gulfport, that have expressed concerns (e.g., exacerbation of flooding and asthma) related to proposed development projects in the area. We support working closely with communities during the evaluation process to holistically examine impacts to both natural and human resources.

Under Section 404 of the Clean Water Act (CWA), Section 10 of the River and Harbors Act, and Section 103 of the Marine Protection Research and Sanctuary's Act, the U.S. Army Corps of Engineers, Mobile District (Corps) is the lead federal agency responsible for evaluating the environmental impacts and other associated federal requirements associated with several projects' planned within this area. These projects are in various stages of planning in the Gulfport area and include, but are not limited to, the Port of Gulfport Harbor Expansion Project, the Domain at Prime Centre Project, and the previously identified Mississippi Department of Transportation Port Connector Road Project. Due to the scope and magnitude of the identified projects within the watershed and surrounding vicinity, the EPA recommends the use of both

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regulatory and non-regulatory approaches in an effort to better evaluate the cumulative impacts of these projects and achieve the most effective outcomes. These approaches would include the National Environmental Policy Act, previously identified Corps requirements, and the Partnership for Sustainable Communities among others. EPA understands that any cumulative impacts assessment needs to be conducted in a manner consistent with regulations.

By working together with federal, state, and local partners, we can promote watershed and air quality protection, community involvement and environmental sustainability as an integral part of the decision-making process for these projects. Such collaboration will also help ensure that these projects, if approved, are economically and environmentally sustainable assets to the area.

EPA looks forward to further discussions with the COE and other partners on how best to proceed with this effort. If you have any questions, please feel free to contact me or Ntale Kajumba of my staff at 404-562-9620.

Sincerely,



Heinz Mueller, Chief
NEPA Program Office
Office of Environmental Accountability

cc: Mississippi State Port Authority at Gulfport
Mississippi Department of Environmental Quality
Mississippi Department of Transportation
Mississippi Department of Marine Resources
Federal Highway Administration Mississippi Division
U.S. Fish and Wildlife Service
Ward Investments
Turkey Creek Community Initiatives
North Gulfport Community Land Conservancy, Inc.
Center for Environmental and Economic Justice

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EPA wants Port of Gulfport projects studied 'holistically'

Published: April 9, 2013 Updated 1 hour ago

By ANITA LEE — calee@sunherald.com

GULFPORT -- The Environmental Protection Agency wants to make sure cumulative effects of proposed Port of Gulfport-related projects are studied, an EPA letter to the U.S. Army Corps of Engineers says.

The Corps of Engineers is the lead agency for environmental assessments of port expansion; plans by Ward Investments to develop property in the Turkey Creek watershed between U.S. 49 and Canal Road; and a port connector road the state plans to build near Canal Road south of Interstate 10 to the port.

Gov. Phil Bryant is expected at the port at 11 a.m. today to view the completed work on the port's 84-acre West Pier expansion.

The corps study concerns expansion still in the planning stages.

The EPA letter, to Damon Young of the corps Mobile District, points out Turkey Creek is a "priority watershed" for the EPA and state Department of Environmental Quality. It also mentions the historic importance of the Turkey Creek community, settled in 1866 by emancipated slaves.

Young said separate permit applications for port expansion, the connector road and the Ward project will each deal with combined effects of the three projects on surrounding communities. Water and air quality, along with economic impacts, are some of the areas the corps will study.

"It's a very, very big deal, especially with the three projects being in this watershed and the proposed impacts on the watershed," Young said.

Turkey Creek area residents have been following port expansion and asking questions about potential air pollution from increased truck and cargo traffic. They also are concerned about traffic congestion, and division of their communities by the connector road and an improved rail line.

Flooding exacerbated by development has been and will continue to be a major concern, community advocates say.

Residents and community advocates also worry the corps has studied projects independently rather than as a whole.

The EPA letter, written by Heinz Mueller of Region 4 in Atlanta, takes into account those concerns: "We support working closely with communities during the evaluation process to holistically examine impacts to both natural and human resources.

" ... By working together with federal, state and local partners, we can promote watershed and air quality protection, community involvement and environmental sustainability as an integral part of the decision-making process for these projects."

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Though study of port expansion has started, environmental assessments have yet to begin on the connector road and Ward project. The state's previous plan -- to take Ward property for a conservation easement that would offset wetlands loss from the connector road -- is no longer in play.

Ward is working on a new proposal for a new conservation easement that would allow the firm to keep about 500 acres for port-related retail and office development. Ward attorney John Brunini said project developers are reaching out to community leaders for input on plans.

Young said the state Department of Transportation will have to file a new permit request for connector-road construction, which is at a standstill.

Community groups are encouraged by the EPA letter.

"For the first time, EPA has linked together concern about the port, the port-connector road and the Ward development," said Reilly Morse, attorney with the nonprofit Mississippi Center for Justice.

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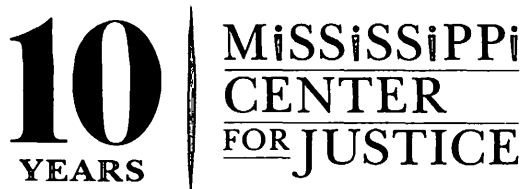
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Advancing Racial and Economic Justice

April 30, 2013

Jim Simpson, President, Board of Commissioners
Mississippi State Port Authority
P.O. Box 40
Gulfport, MS 39502

Tom King, Commissioner
Mississippi Department of Transportation
401 North West Street
Jackson, MS 39201

Brent Christensen
Mississippi Development Authority
P.O. Box 849
Jackson, MS 39205

Dear Gentlemen:

The Steps Coalition and Port Campaign Coalition have learned that the Mississippi State Port Authority has submitted a new permit application for expansion of the port to the US Army Corps of Engineers (the "Corps"). Our information is that this application will trigger the requirement of an environmental impact statement (EIS), and that the EIS process will start over from square one. We understand that the scope of cumulative effects addressed in this EIS will include all projects associated with the port, including an inland port facility, the connector road and the proposed development by the Ward family for the wetlands property abutting Turkey Creek, and comprehensive alternatives and environmental justice analyses will be required.

If our understanding is correct, then the Corps has taken a significant step towards fulfilling a long-standing demand of the Steps Coalition and the Port Campaign Coalition: to affirmatively and holistically address the environmental justice issues associated with these connected, large scale developments. The Steps Coalition and the Port Campaign Coalition have the deepest, strongest, and longest-lasting community engagement effort in place in the environmental justice communities affected by these proposed projects. We look forward to working with the Corps on this undertaking.

Over the past twelve months, one issue after another raised by the Steps Coalition and the Port Campaign Coalition about the port restoration, the port connector road and the Ward development has been shown to be well-founded.

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Martha Bergmark
President/CEO



Despite this track record, the Port, MDOT and other government players have refused to work together with us on an inclusive collaboration to resolve the outstanding issues of jobs, job training and environmental justice. We now have a new opportunity to move in a more positive direction and again renew our call for the parties to these projects to convene a collaborative negotiation with the affected communities to allow these projects to move forward in ways that fulfill the promise of job creation, environmental protection and community health.

Very Truly Yours,


Reilly Morse
Mississippi Center for Justice

Joe Rich, Diane Glauber, David Zisser

Lawyers' Committee for Civil Rights
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cc. Damon Young, U S Army Corps of Engineers, Mobile District
Heinz Muller, Chief, NEPA program office, EPA Region IV

